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# Current Status of Sunday Closing Laws in the United States and Their Marketing Implications in Selected Metropolitan Areas.

Fred R. Endsley

*Louisiana State University and Agricultural & Mechanical College*

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CURRENT STATUS OF SUNDAY CLOSING LAWS IN THE  
UNITED STATES AND THEIR MARKETING IMPLICATIONS  
IN SELECTED METROPOLITAN AREAS.

Louisiana State University and Agricultural and  
Mechanical College, Ph.D., 1967  
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CURRENT STATUS OF SUNDAY CLOSING LAWS IN THE  
UNITED STATES AND THEIR MARKETING IMPLICATIONS  
IN SELECTED METROPOLITAN AREAS

A Dissertation

Submitted to the Graduate Faculty of the  
Louisiana State University and  
Agricultural and Mechanical College  
in partial fulfillment of the  
requirements for the degree of  
Doctor of Philosophy

in

The Department of Management and Marketing

by  
Fred R. Endsley  
B.A., Grinnell College, 1952  
M.B.A., Indiana University, 1958  
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## ABSTRACT

The primary objective of this study is to analyze the current status of Sunday closing legislation and to evaluate the attitudes of selected retailers toward Sunday retailing operations in selected metropolitan areas in the United States. The major areas for observation and investigation are: effectiveness of current closing legislation, location of retailers open on Sunday, changes in retail store hours, opinions of retailers toward Sunday openings, demands of customers for Sunday openings, and current trends toward Sunday selling.

The analysis concerns the historical involvement of Sunday legislation and pictures the present status of this legislation nationally. Further observations of current legislation and empirical analysis are made of the metropolitan areas of Columbus, Ohio; Denver, Colorado; Hartford, Connecticut; Memphis, Tennessee; New Orleans, Louisiana; San Antonio, Texas; and San Jose, California.

The results of the survey are interpreted for the entire study and subdivided into areas with and without Sunday legislation. Further comparisons used in the survey are: type of store, location, annual sales volume, and whether the store is open or closed on Sunday. Each of these comparisons has some effect on the following conclusions:

1. Store hours differ with store locations -- central business district, neighborhood, or suburbs. More stores

are open on Sunday in the suburbs than in other locations. Store hours are commonly less on Sunday than on other weekdays; yet stores open on Sunday reveal sales typical to those of other days of the week.

2. Differences of opinions on Sunday selling issues exist between retailers open and closed on Sunday. For example, while only the larger suburban retailers surveyed report more family purchases on Sunday than on other weekdays, the majority of retailers do not substantiate this conclusion.
3. Attitudes of managers toward Sunday openings are affected by their type of business. Drug stores compared to department, discount, and grocery stores, disclose the lowest Sunday sales. Prestige department stores are opposed to Sunday openings, while discount houses generally favor them. (Markets appear to be available for both types of retailers.)
4. Customer attitudes toward Sunday openings differ in areas with and without Sunday closing laws.
5. Differences in retail operations exist in stores open on Sunday in areas with and without Sunday legislative restrictions. Sunday legislation shows signs of fading as a regulatory device, and modern legislation appears to be basically against discount house openings.
6. The study shows Sunday selling activities to be quite stable since 1960, but legislation does have its effect on Sunday selling activities. No accelerated movement toward Sunday selling is revealed by the study, even in areas without Sunday closing laws.



Recommendations are that retailers and legislators should further examine Sunday selling practices in light of current legislation, customer demands, and employee attitudes. Retailers in areas affected by Sunday legislation must be educated to the law, its content, and its effect on their activities. The Sunday selling problem should be approached after considering the majority opinions of retailers, employees, and customers rather than satisfying only particular-interest groups which may represent the minority. Store hours should be established after evaluating customer desires, actual purchasing patterns, and the profitability of Sunday selling.

CURRENT STATUS OF SUNDAY CLOSING LAWS  
IN THE UNITED STATES AND THEIR  
MARKETING IMPLICATIONS IN  
SELECTED METROPOLITAN AREAS

CHAPTER I  
THE NATURE OF THIS STUDY

Very often individuals are inclined to believe what they want to believe, particularly if, in the process, they are spared the effort of looking for a better answer. Such is the case of Sunday selling. The question of whether Sunday selling is feasible, ethical, or morally unjustifiable evokes strong opinions from businessmen and consumers alike. Those people desiring Sunday closings give timely examples of why they feel retailers should be closed, and the opposite group project their favorable impressions of Sunday openings. Different opinions are offered by current writers on the subject. Yet, so far as can be determined, no comprehensive study of Sunday closing laws has been made. This study attempts to probe both sides of the issue and, for the first time, provide insight into the retailers' actual point of view.

The Purpose of This Study

Basically, the emphasis of this study is to establish insights into the problems concerned with Sunday selling. The study is a search for truth, dealing directly with the attitudes of selected retailers

toward Sunday selling in the metropolitan areas of Columbus, Ohio; Denver, Colorado; Hartford, Connecticut; Memphis, Tennessee; New Orleans, Louisiana; San Antonio, Texas; and San Jose, California. Stated specifically, the problem in this investigation is:

To analyze the current status of the Sunday Closing Legislation and the attitudes of selected retailers toward Sunday retailing operations in the selected metropolitan areas of the United States.

The problem is subdivided into six major areas for investigation, as follows:

1. A consideration of the effectiveness of the current Sunday closing law, or lack of one, to the selected sample.
2. A consideration of the physical location of retailers open on Sunday.
3. A consideration of perceived changes in retailing store hours.
4. A consideration of selected retailer and employee attitudes toward Sunday opening.
5. An evaluation of consumer demand for Sunday openings.
6. An attempt to discover trends for or against Sunday selling and openings.

The application of formal hypotheses to all of these areas is beyond the scope of this investigation. In view of this fact, selected hypotheses which are considered the major points of the study are stated and tested.

The primary hypothesis under investigation is that there is no difference between Sunday openings in states with or without Sunday closing laws. In fact, Sunday closing laws have no effect on retail store operations.

Other sub-hypotheses to be formally tested are:

1. There is no difference between the opinions of retailers open on Sunday compared to opinions of retailers not open on Sunday.
2. There is no difference between customer attitudes toward Sunday openings in the metropolitan areas in states with Sunday closing laws as compared to customer attitudes in states without Sunday closing laws.
3. The favorable or unfavorable attitudes of retailers toward Sunday openings are conditioned by the type of business.
4. The attitude of retailers toward store hours is independent of the store's location within the metropolitan area.

#### Classification of Definitions

This study revolves around the use of several definitions. While these definitions may be understood by most people, further clarification is necessary to establish a common ground.

Sunday Closing Laws -- a state statute(s) making it a crime to perform at least some business or labor on Sunday. Historically, these laws have been more popularly called "Blue Laws."

Selected Retailers -- the retailers selected for study, including discount houses, department stores, drug stores, and grocers.<sup>1</sup>

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<sup>1</sup>These retailers compose, in the aggregate, 20 per cent of the number of retail establishments found in the metropolitan areas and comprise 40 per cent of the total sales volume for the areas. Therefore, the retailers selected maintain a significant influence over the retailing area. (U. S. Bureau of Census, Census of Business, 1963, Retail Trade: Single Units and Multiunits, BC 63- RS 4. Washington: U. S. Government Printing Office, 1965.)

The following is a list of definitions for these selected retailers:

Department Store -- an establishment which handles a wide variety of merchandise, is organized into separate departments, and usually offers a large amount of service.

Discount House -- an establishment selling general or limited lines of merchandise, often branded, at less than retail list prices.

Drug Store -- an establishment which compounds prescriptions for sale to customers and sells other drugs and proprietary medicines. A wide variety of other goods may also be sold, such as cosmetics, tobacco, cameras, magazines, candy, fountain service, and others. The combination of merchandise for sale appears to be constantly changing.

Grocer -- an establishment primarily selling food for off-the-premises preparation and consumption.

Sunday Retailing Operations -- the performance of retail business activities with customers by being open, or accepting customer orders, on Sundays.

Selected Metropolitan Areas -- as defined by the Bureau of the Census, U. S. Department of Commerce:

Columbus, Ohio -- consists of Delaware, Franklin, and Pickaway Counties, Ohio.

Denver, Colorado -- consists of Adams, Arapahoe, Boulder, Denver, and Jefferson Counties, Colorado.

Hartford, Connecticut -- consists of Hartford City;

Avon, Bloomfield, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, West Hartford, Wethersfield, Windsor, and Windsor Locks, towns in Hartford County; Cromwell, town in Middlesex County; and Andover, Bolton, Coventry, Ellington, and Vernon, towns in Tolland County, Connecticut.

Memphis, Tennessee -- consists of Shelby County, Tennessee, and Crittendon County, Arkansas.

New Orleans, Louisiana -- consists of Jefferson, Orleans, St. Bernard, and St. Tammany Parishes, Louisiana.

San Antonio, Texas -- consists of Bexar and Guadalupe Counties, Texas.

San Jose, California -- coextensive with Santa Clara County, California.

#### The Selection of Metropolitan Areas

The metropolitan areas selected for this study are chosen for the following reasons:

1. Standard metropolitan areas were selected rather than smaller cities because of the seriousness of Sunday selling problems in areas of highly concentrated buyers and sellers.
2. Each metropolitan area was selected because it represents regional variations and differentiations in states' Sunday closing laws. Each area is a center dominating the culture and economy of much larger areas than normally contained within their political boundaries. Therefore,

each area selected shows some economic leadership characteristic for the particular region it represents.

3. Only medium-sized standard metropolitan areas were selected. The selected metropolitan areas rank from twenty-sixth to forty-second in population size, and twenty-sixth to fifty-second in retail sales.<sup>2</sup> These rankings classify the chosen bodies in the largest one-fourth to one-eighth group of the defined 210 metropolitan areas in the United States.
4. Each area was selected because of observed differences in the treatment of Sunday selling legislation.
  - a. Hartford, Memphis, and New Orleans are indicative of highly supported legislation.
  - b. Columbus and San Antonio have laws, but enforcement is lax.
  - c. Denver and San Jose have no such legislation.

These standard metropolitan areas represent three different sets of degrees of Sunday retail freedom for comparison and analysis.

Chart 1 indicates the location of the selected metropolitan areas surveyed in this study. The characteristics of the different metropolitan areas are explained in the following capsule comments:

Hartford, Connecticut represents the northeast region of the United States. Blue laws originated in this area of the country and are still very much in evidence. The Hartford standard metropolitan area has been named the twelfth most affluent suburban market in

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<sup>2</sup>"1965 Survey of Buying Power," Sales Management, Vol. 94 (June 10, 1965), p. 22.

the country.<sup>3</sup> It ranks thirty-fifth in size of metropolitan areas and is the ninth largest metropolitan area of the Northeast.

Columbus, Ohio represents the Midwest. Columbus is structured by the Sunday closing laws of Ohio, which are considered nonenforceable by the Ohio judiciary. Columbus ranks as the thirty-fourth largest metropolitan area in the United States and the tenth largest metropolitan area in the Midwest. It contains the seventeenth most affluent suburban market in the nation.<sup>4</sup>

Memphis, Tennessee was chosen to represent the south-central portion of the United States. Here Sunday closing laws are highly concentrated under city as well as state rule. Memphis ranks forty-second in metropolitan area size and is a central distributive market for some central and southern states.

New Orleans, Louisiana is located in the South. Here Sunday closing laws are in operation. This area is the twenty-ninth in size in the United States and is the seventh largest metropolitan area in the South.<sup>5</sup>

San Antonio, Texas represents the Southwest. In Texas, Sunday closing legislation exists, but interpretation of the law has been considerably relaxed since the year 1962 because of higher court decisions. San Antonio is the thirty-ninth largest area in the South. It also is fifteenth in size among the twenty-five most affluent suburban markets in the United States.<sup>6</sup>

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<sup>3</sup>Ibid., pp. 22 and 36.

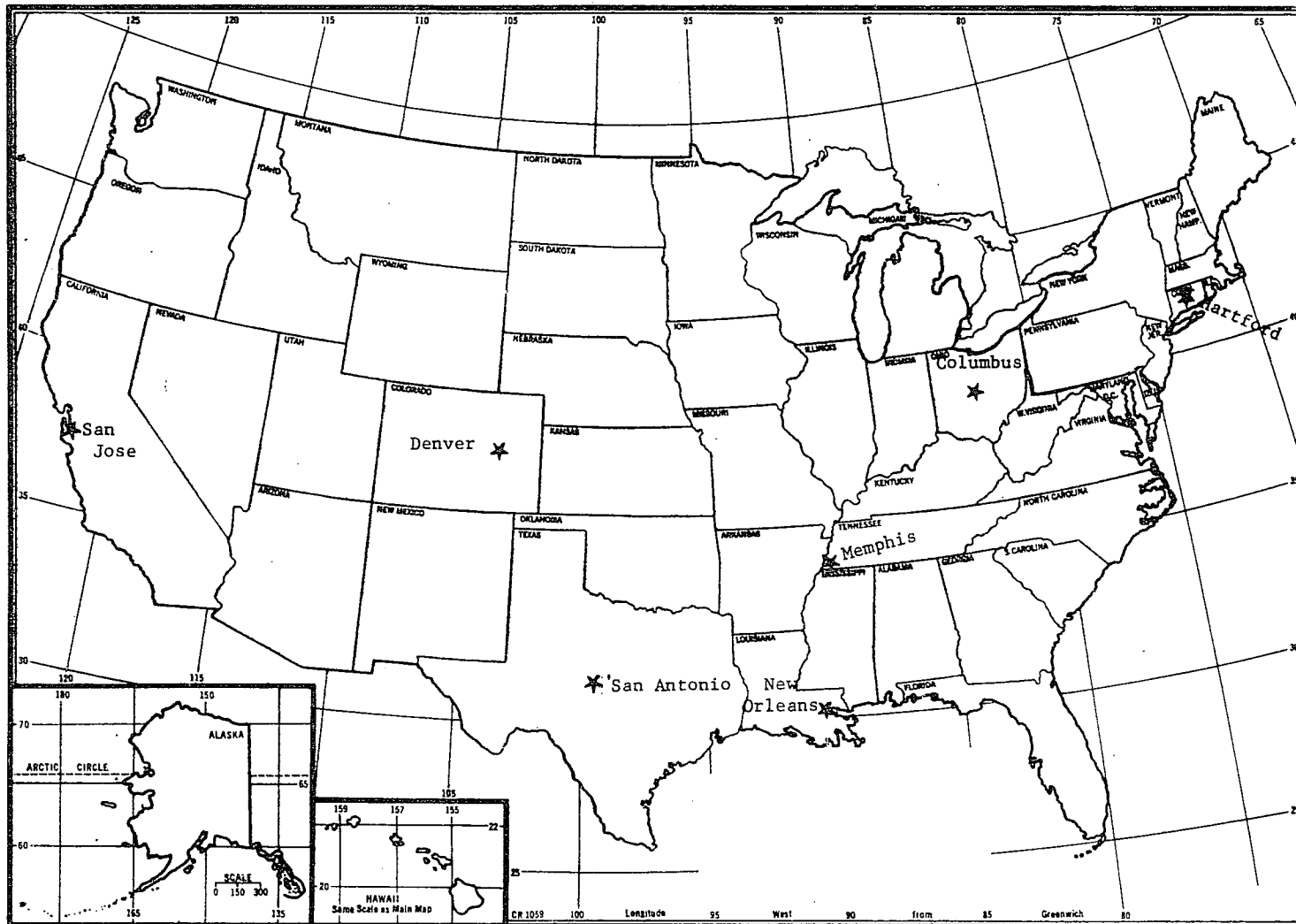
<sup>4</sup>Loc. cit.

<sup>5</sup>Loc. cit.

<sup>6</sup>Loc. cit.



CHART I  
LOCATION OF THE SELECTED  
METROPOLITAN AREAS SURVEYED



Denver, Colorado represents the mountain state of the West. No Sunday closing legislation exists. Denver is the twenty-sixth largest metropolitan area and ranks fifth largest in the West.<sup>7</sup>

San Jose, California is located in the far West. No Sunday closing legislation exists. San Jose ranks as the thirty-fifth largest metropolitan area in the United States and tenth largest in the West. It also ranks in the twenty-five most affluent suburban markets in the United States, in the twenty-first place.<sup>8</sup>

#### Use of a Pilot Study

A pilot study was conducted by the author in Houston, Texas, on March 30 and 31, 1962. The study was used as a preliminary research project to examine the adequacy of the questionnaire and sample design. A copy of the original questionnaire appears in the Appendix. (See Exhibit 1, Appendix.)

The information acquired in this preliminary study identified a means of searching for the significance of traits that would constitute the subject matter for further statistical treatment. The Houston study was used as a basis of establishing an estimation of the sample size, which has a 90 percent confidence that the sample error is within 4 percent tolerance of the universe. From the results received by projecting the findings of the Houston study, it was statistically judged that a sample of approximately 425 was necessary to give the specified reliability desired. (See Exhibit 2, Appendix.)

The method of selecting the retailers for the pilot study proved

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<sup>7</sup>Ibid., p. 22.

<sup>8</sup>Ibid., pp. 22 and 36.

to be adequate for continued use in this study and is explained under the section "Sources and Methods of Collecting Data" which follows.

Confidence intervals were devised for sample questions to imply some means of reliability to the significance of sample questions specified in the questionnaire. The results gained by this preliminary analysis were considered adequate enough for further evaluation. (See Exhibit 3, Appendix.)

While the size of the Houston sample was comparatively small (41 retailers), the methodology used was of great value and significance in developing, analyzing, and interpreting the facts for this analysis.

#### Sources and Methods of Collecting Data

The sources of information for this study involve both primary and secondary research. An interview technique is used based on a questionnaire. (See Exhibit 4, Appendix.) Secondary research is used as a basis for developing the descriptive and legal patterns of the study.

The study is based on a random sample. The names of the firms were selected from the yellow pages of the current metropolitan area telephone directories and the National Directory of Discount Dealers.

Interviews for this study took place between December 8, 1965, and March 1, 1966. Mail questionnaires furnished statistics from Hartford, Connecticut; Columbus, Ohio; Memphis, Tennessee; Denver, Colorado; San Jose, California; and San Antonio, Texas. Personal interviews provided the information in New Orleans, Louisiana, and as a follow-up in Denver, Colorado. Two mailings were conducted in all areas except San Antonio, Texas, and Denver, Colorado. Only the San Antonio area contained no mail follow-up and, therefore, contains the smallest portion

of the overall sample. In the other areas, retailers in the selected sample were contacted initially, and, if there was no reply, these retailers were contacted again by mail between February 8-12, 1966.

Questionnaires were initially sent by mail to two hundred possible respondents in each of the areas. This sample was selected on a percentage basis of the total of department stores, discount houses, drug stores, and groceries found in each metropolitan area. The New Orleans survey contained one hundred selected respondents for personal interview, using the same basis of proportionality.

Since this study relies on a sample, the validities of the discoveries and conclusions claimed are dependent on the care with which the sample has been drawn. It was initially decided that returns could be maximized by taking samples of approximately one hundred retail firms from seven selected areas. The sample was selected to be representative of the group of metropolitan areas rather than representative of each metropolitan area. Table 1.1 gives summary data on the sample by metropolitan area. The table shows that a 42 percent return was obtained from the predominately mail survey and an overall 43 percent return on the total sample (mail and personal interview). The usable sample is also 11.8 percent of the universe.

The methodology here establishes logical boundaries for evaluating hypotheses of this study. The main emphasis is placed on totals, and these totals for the metropolitan areas are sub-divided into the categories "with laws" and "without laws." No attempt is made to evaluate one metropolitan area against another, although any interesting features pertaining to particular metropolitan areas are noted.

Reliability is determined for the survey by analyzing and evaluating specific questions in the questionnaire. The study has

TABLE 1.1

## SELECTED METROPOLITAN AREA SAMPLE DESIGN

	Directory Population (Establishments)	Number Sampled (Establishments)	Potential Mail & Personal Sample Out-of-Business	Mail Questionnaires Returned	Percent Return of Mail Questionnaires of Number Sampled	Personal Interview	Total Usable Questionnaires Returned
Columbus, Ohio	731	200	7	98	52		98
Denver, Colorado	932	200	1	90	46	10	100
Hartford, Connecticut	421	200	15	62	38		62
Memphis, Tennessee	733	200	5	90	48		90
New Orleans, Louisiana	1121	100	7			100	100
San Antonio, Texas	619	200	5	39	22		39
San Jose, California	<u>356</u>	<u>200</u>	<u>5</u>	<u>83</u>	<u>44</u>	<u>—</u>	<u>83</u>
Totals	4913	1307	45*	462	42	110	572

\* 3 percent of sample out-of-business

Source: Primary

small confidence intervals because of the adequacy of the sample size. The sample has a small sample error.

Table 1.2 shows the questions used to determine the reliability of the sample estimate. These questions are a basis for developing confidence in the sample, as these questions are valued between 42-78 percent confidence needed for normal approximation to the sampling distribution.

The confidence intervals of these questions suggest the universe consists mainly of owners, 70-78 percent; stores open on Sunday, 56-64 percent; retailers who believe they will resort to or continue Sunday openings, 57-65 percent; and competitors who are complying with the Sunday closing law, 55-66 percent. The results of these questions reveal that the majority of customers are opposed to Sunday openings (only 42-50 percent favor them). Store employees are also against Sunday openings (53-61 percent).

The procedure used to establish confidence intervals is such that in the long run 95 percent of the intervals obtained include the true (fixed) parameter. Repeated sampling would likely fall within the confidence intervals which have actually been computed here.

Therefore, these tests of significance suggest that reliability can be judged from both the adequate sample size and the sample design for this study.

#### Limitations of the Study

Needless to say, certain limitations exist for this study regardless of the preciseness of sample development. Basic limitations are these:

1. The study was based on a sample, but there was a 42 percent

TABLE 1.2  
 95 PERCENT CONFIDENCE INTERVALS SHOW RELIABILITY  
 OF AGGREGATE SURVEY

QUESTION	MEAN PERCENT	AGGREGATE 572 SAMPLES CONFIDENCE INTERVALS*
		PERCENT
Owners Sampled	74	70-78
Open on Sunday	60	56-64
Resort to or Continue Sunday Openings	61	57-65
Customer Attitudes for Sunday Openings	46	42-50
Employee Attitudes Against Sunday Openings	57	53-61
Competitors Complying with Sunday Closing Law	60	55-66

\* Formula used to derive confidence intervals from mean percent:

$$\sigma p \sqrt{\frac{pq}{n}}$$

Source: Primary

return of the mailed questionnaires. The cost of the project prohibited the mail sampling of more than two hundred retailers per area.

2. The San Antonio area was originally scheduled to be surveyed by personal interview, but circumstances prevented the obtaining of interviewers. Still, under these conditions, a sample of 7 percent of the total population was obtained.
3. All establishments are not listed in the directories. New stores are continually being opened in areas; and as the sample in Table 1.1 shows, establishments continue to go out of business.
4. Both surveys are of a static nature, but the pilot study and main study took place in different periods of time.
5. Because of the complexity of this study, many issues are not considered. There was no comparison of one specific metropolitan area to another; relating types of products sold and not sold; examining an accurate understanding of consumer attitudes; and examining the religious aspect of Sunday selling are only mentioned as they relate to and can be drawn from the stated purpose.
6. Sample bias may be present, although the 124 additional questionnaires received after a follow-up mailing showed no significant changes in response from those of the initial mailing.
7. The study, in itself, is too large to deal with many worthwhile aspects of the subject. This is a beginning effort that supplies many topics that can be further developed.
8. The data are presented in the form of percentages and



arithmetic averages, both of which have certain limitations. Percentages do not reveal the size of the sample involved, and arithmetic averages are influenced by extreme values in any group of data. However, the intent of this study is to give a general description and general central tendencies. Any attempt to over-refine the figures results in spurious accuracy.

### History of Sunday Selling

The Evolution of Blue Laws - The origin of blue laws is a subject of controversy. Various impressions have been recorded that infer a lack of agreement or certainty on how and why such a name originated; yet it is common knowledge that such legislation exists.

Hiley H. Ward in his book Space Age Sunday acknowledges that the term "blue laws" was selected because Connecticut lawbooks were bound in blue.<sup>9</sup> On the other hand, William C. White in his article "Straws In The Wind" indicated the term originated because the legislation was printed on blue paper.<sup>10</sup> Time magazine explains that blue laws were so named because the New England Puritans adopted the blue color to oppose the red emblem of British Royalty.<sup>11</sup> Another interpretation suggests that the term "blue laws" evolved from the looks of poorer colonists' cotton stockings. Wealthy colonists wore rich silk hose and dyed them black. The poor used a cheap blue dye. "Somehow the austerity of the

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<sup>9</sup>Hiley H. Ward, Space Age Sunday (New York: The MacMillan Company, 1960), p. 7.

<sup>10</sup>William C. White, "Straws In The Wind," Scribners Magazine, Vol. 94 (August, 1933), p. 107.

<sup>11</sup>"Blue Sunday," Time, Vol. 77 (June 9, 1961), p. 17.

laws became associated with the rough, Spartan cotton hose, hence blue laws."<sup>12</sup>

While the origination of the term "blue law" is uncertain, it is known historically that in the United States the term evolved from New England Puritans and was stimulated by religious force.

Probably the first form of restriction on Sunday activities was established by Roman Emperor Constantine in 321 A.D. He ordered that "all judges, city people, and craftsmen shall rest upon the venerable day of the Sun." His edict also stimulated controversy as to whether these orders were political or religious in origin. Yet, with this decree an exception was defined, as Constantine stipulated that planting of grain or vines on Sunday was permissible. His reasoning appears to follow the approach that a planting season is of short duration and therefore, if the ground is adaptable for planting, plant, regardless of the day.

From the commentary of historian Abram Lewis in his History of Sunday Legislation unfolds the description of later Saxon laws as products of the Constantine directorate. The English then directed their legislation after the Saxons, and the United States in turn used English legislation as its model.

This study is primarily interested in the Sunday legislation evolving in the United States that was initially called blue laws. This evolution indicates an interesting pattern taking place in the changes involved in Sunday activities. These crusading elements may almost be classified into four main categories of historical development.

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<sup>12</sup>Sid Moody, "Sunday Hog-Tied by Maze of Complicated Blue Laws," The (Baton Rouge, Louisiana) State Times (November 17, 1960), p. 10.

First was religion, then labor's day of rest, then entertainment, then commercialism.

The Religious connotation of Sunday legislation. Initially Sunday law was established in the United States by the Colony of Virginia in 1610. This law insisted upon citizenry church attendance on Sunday morning and afternoon. Degrees of penalties were cited for violators, including the death penalty for third offenders. While no evidence exists that the death penalty was ever carried out, this exemplifies how enthusiastically lawmakers considered their legislation.<sup>13</sup>

By 1629 Massachusetts enacted similar Sunday legislation called the "Lord's Day Law." This act was followed by other colonies adopting similar legislation. All were religious in nature -- fusing the church and state into a single being. These were Puritanical codes of people whose philosophy in life considered that laws could remold human nature and suggested that showing signs of pleasure was evil and a waste of time.<sup>14</sup> Yet these cannot be claimed as creative and original concretions of these people, but a regurgitation of what people were familiar with under English rule. No doubt the uniform religious composition of these peoples enhanced the homogeneity of church and state, and from the meetings of the religious leaders evolved the political leaders. Differentiation between the church and state was not only difficult, it was impossible. Basically, the text of these Sunday laws showed that their primary objective was to enforce religion.

The first theological objections to Sunday laws were offered by

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<sup>13</sup>Richard Cohen, "Blue Sunday," The Christian Century, Vol. 78 (January 4, 1961), p. 10.

<sup>14</sup>Henry R. Carey, "Pass a Law, Save a Soul," The Independent, Vol. 117 (October 23, 1926), p. 475.

Roger Williams in Massachusetts in 1631. Williams contended that man could punish man for biblical commandments six through ten. This, he reasoned, was the only place for civil authority. His reward for public denouncement was banishment from the Massachusetts Colony.<sup>15</sup>

Traditionally blue laws were unpopular with the masses. Most of the original laws killed themselves in five years. Over a fifty-year period, new laws had to be made to cover up for old laws that did not work.<sup>16</sup> In fact, by the completion of the American Revolution and the framing of the Constitution proclaiming the separation of church and state, the "blue laws" were all but forgotten.<sup>17</sup>

The six-day work week. The period of 1844-1912 changed the conditioning of Sunday legislation to include the need to recognize one day of rest in seven for employees of continuous industries. This legislation considered the growing of America, recognizing the change and development of modern industry. Certain industries found it impractical to shut down entirely one day a week and others, because of seasonal character, weather, and other emergencies, insisted on some Sunday work. Most of this legislation covered such activities as maintaining blast furnaces, manufacturing iron and steel, operating telephone and telegraph lines along with heat, light and power plants, keeping the railroads and street railways moving, as well as providing newspapers, hotels and restaurants.<sup>18</sup>

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<sup>15</sup>Cohen, op. cit., p. 10.

<sup>16</sup>Carey, op. cit., p. 475.

<sup>17</sup>Alfred K. Allen, "A 'Blue Laws' Battle," The Humanist, Vol. 19 (June, 1959), p. 166.

<sup>18</sup>"Six Day Work In State Laws," The Survey, Vol. 25 (December 3, 1910), pp. 332-333.

These laws evolved from United States Department of Labor's concern for the protection of the laborer by allowing him a reasonable amount of leisure. This legislation was developed on the grounds that it was within the police power of the state to protect health. The laws were developed to supplement other Sunday legislation or to be used in place of the religious doctrine. A real problem with the legislation was that the Department of Labor had no power to enforce the health issue over the penal law directed by Sunday laws of religious origin. Yet here was a new perspective in Sunday legislation enacted because of the change in the times.

The Sunday postal law. On September 1, 1912, Congress passed a law that allowed only special delivery mail to be delivered on Sunday. Prior to this, Sunday mail business was usual business, and most people anticipated Sunday mail deliveries. Shouts of agony were heard from businessmen. Their claim was that this would disrupt prompt mail delivery for half a week and prove very inconvenient to traveling men who received business correspondence at their hotel stops. To combat this, post office boxes were established for the convenience of hotel Sunday mail for other desirous businessmen. Finally, antagonists began to accept no Sunday mail deliveries.<sup>19</sup>

The era of changes in Sunday entertainment. The years of 1916-1935 appear to be another major historical era for blue laws. Cities were growing, industry was on the move, automobiles were becoming popular. Many people were looking for Sunday activities. These changes were vigorously opposed before any form of entertainment was looked upon as

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<sup>19</sup>"A Ban on Sunday Mail," Literary Digest, Vol. 45 (September 7, 1912), p. 356.

an accepted practice.

The argument given against entertainment in New York and New Jersey in 1917 followed this reasoning:

"Amusements are prohibited because they involve need-less toil on those who provide such amusements and bring excitements and some hurry, scurry to a tradi-tional day reserved for rest and forms of recreation which are less costly to the toilers."<sup>20</sup>

In 1920 Maryland arguments stated that movies are not recreational, and that seeing games on Sunday did not morally benefit the worker and he was not physically rested by participating. So, if a man takes pleasure in the activities, he makes others work.<sup>21</sup>

Yet, other arguments also prevailed. Those favoring Sunday activities felt that it was not bad to play or be entertained. Work-ing hours were becoming shorter and people did not need as much rest as before.<sup>22</sup> Also, more people evidently felt that changes in condi-tions and customs made their Sunday laws, supposedly governing their moral life on the Sabbath, more or less obsolete.<sup>23</sup> In Newark, New Jersey, and Trenton, New Jersey, wholesale disregard for blue laws were the temper of 1928-1930. Movies became a usual Sunday entertainment feature, and attempted Sunday law enforcement was a point of neglect.<sup>24</sup>

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<sup>20</sup>"Wanted--A Six Day Week," The Outlook, Vol. 115 (February 7, 1917), p. 227.

<sup>21</sup>"Industries Encroachment on Sunday," Literary Digest, Vol. 64 (March 27, 1920), p. 41.

<sup>22</sup>"Sunday Games and Sunday Rest," Literary Digest, Vol. 69 (April 16, 1921), p. 28.

<sup>23</sup>"Lifting the Ban on Sunday Sports," Literary Digest, Vol. 99 (December 1, 1928), p. 29.

<sup>24</sup>Ibid., p. 29 and "Blue Laws," The Outlook, Vol. 155 (June 11, 1930), p. 217.

By 1935 most states had legally authorized Sunday entertainment and Sunday became, culturally, a different type of day in most metropolitan areas. Baseball, football, movies, the theatre all became usual Sunday activities.

The period of status quo. The literature evidences little change or acknowledgment of Sunday laws between 1935-1956.

The senate of the State of Delaware attempted to repeal their Blue Law of 1740 in 1941, but the house would not go along with them. To prove the ridiculousness of the legislation, the senate directed the state police to enforce the law to its strictest letter. This resulted in a total of 509 arrests on a single Sunday. Among the arrestees were taxi drivers, restaurateurs, newsboys, streetcar motormen, milkmen, bus drivers, drugstore clerks, candystore proprietors, private citizens working around their homes, radio station managers and employees. This purge caused quite a stir in Delaware.<sup>25</sup>

Sunday overtime pay became the concern of the War Labor Board in 1942, but Sunday work at this time was a readily accepted part of the war effort.<sup>26</sup>

Beyond this point, little was said about Sunday activities except that commercialization was silently finding a greater place in Sunday activities.

The Sunday retailing era. In 1957 a bolt of lightning struck the retail market. Out of nowhere Sunday selling found some salesmen at the discount house. This was the advent of highway retailing in New

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<sup>25</sup>"Blue Sunday," Newsweek, Vol. 17 (March 10, 1941), pp. 19-20.

<sup>26</sup>"Sunday Overtime," Business Week (February 7, 1942), p. 76.

Jersey. It was not the first evidence of a commercialized Sunday (Connecticut made a marked move in this direction in 1917),<sup>27</sup> but it did ignore Sunday legislation and reap the benefits of this polished retailing concept.<sup>28</sup>

This lightning bolt caused many sparks. These sparks kindled more discount house and main chain supermarket and drugstore openings, as well as specialty stores. Articles from present marketing and law literature explain the reasons for commercialization; yet Sunday selling legality and illegality continues to be a bitter issue. The feasibility of this Sunday retailing era is the main topic of discussion for this study. Current state legislation and legal activities are the subject of the next chapter. The actual concepts of present-day Sunday selling by retailers are the basis for the remaining five chapters.

### Preview

A clear understanding of the present state Sunday Closing Laws and how they relate to or differ from each other is a major concern for orienting the reader to the natural surroundings of Sunday selling. Chapter II develops a classification of these laws, shows legal peculiarities which have nurtured or starved Sunday legislation and examines the enforcability of such laws. From this background, a more detailed look at the legislation involved in each of the selected metropolitan areas surveyed will be examined to help mold a basis for interpretation and analysis of the sample results.

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<sup>27</sup>"Connecticut's Blue-Law Tradition," The Nation, Vol. 105 (August 16, 1917), p. 167.

<sup>28</sup>"Sunday Driver Becomes Big Market," Business Week (June 8, 1957), pp. 62-68.



Does location have anything to do about when stores are opened? How are locations classified? How are they broken down? Where are stores open on Sunday? These topics are the main sources of concern for Chapter III which deals with location.

Today's retailers face a continuing problem -- store hours. This is the topic of Chapter IV. Here analysis is made of ordinary store hours, evening hours, total hours open per week, and average hours open per day. Other examinations concern retailer common agreement on store hours and changes evolving in hours, evening and Sunday openings.

What do managers think of Sunday openings? Do their attitudes influence Sunday openings or closings? Does type, location, or size of store have any bearing on management attitudes? Why are stores opened or closed on Sunday? Do retailers feel employees are in favor of working on Sunday? Do unions influence Sunday openings or closings? These management opinion questions are the basis of analysis for Chapter V.

The marketing concept involves consumer orientation. Chapter VI examines the customer and analyzes shopping habits. The chapter also looks at the actual significance of Sunday openings extracted from the primary research and considers the prospects toward Sunday openings for the future.

Highlights of the facts gathered in the study are reexamined in the final chapter to give some insights into the significance and place of Sunday selling in today's marketing operations.

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## CHAPTER II

### PRESENT STATUS OF SUNDAY LEGISLATION

Where do retailers currently stand on the desirability of Sunday closing legislation? This question is partially answered by resolving the following questions. Can present Sunday closing legislation be classified by type? What are some of the legal peculiarities that exist in current legislation? Can Sunday laws be enforced? What is the character of the Sunday closing legislation in existence in the specific states analyzed in this study? Answers to these questions form the basis for the development of this chapter.

The chapter first presents a general overview of current Sunday closing legislation in the United States. Second, consideration is given to a more detailed study of specific legislation involved in the particular metropolitan areas. Secondary research is the sole source of this information.

While this analysis is not intended to belabor the specifics of each state, it is felt that general legislative implications can be drawn from the material presented. Rumblings heard in different states from time to time support the fact that Sunday legislation is a continuing problem. Currently there is no one piece of model legislation that can be used as a cure-all for every state. Nor is there evidence that every state is actually seeking such legislation. Therefore, it is reasonable to assume that sweeping changes in legislation are not forthcoming in all states.

### Factors Influencing Sunday Selling

Several modern advancements bear on the problem of Sunday closing legislation:

First is the expansion of cities. With expansion, families have tended to remove their households from the central core of the city into suburbs. The rise of suburbs has stimulated the movement and development of retailers into these new suburban areas. The prime reason for retail movement is customer convenience. The proximity of customers to stores has shifted buying from central business districts into outlying areas. Under these conditions, it is only natural that central business district retailers desire to keep suburban merchants closed on Sunday.

Second, the prevalence of the automobile for shopping use is phenomenal. Yet the use of the automobile for shopping excursions has been limited to leisure hours. Therefore, nights, Saturdays, and Sundays have evolved as the popular mobile times for shopping activity. Distance plays some part in the selection of shopping facilities. Travel to outlying stores often takes less time than fighting congested core city traffic. Automobiles enable more shoppers to search for pleasure in shopping. Shopping pleasure may include easy access to stores, parking convenience, as well as convenience in coming and going under normal traffic conditions.

Third, there is a growth of employment among married women. With more married women employed, there are fewer hours available for them to engage in their role as family purchasing agent. In years past, household duties and shopping have been work enough for housewives. Now the triple role has encouraged changes in shopping patterns for this growing group of women.

Fourth, the United States Supreme Court decisions in June, 1961, added more fire to the Sunday selling furnace. The Supreme Court decisions removed any doubt about the constitutionality of Sunday laws, but, at the same time, tossed the Sunday closing problems right back into the hands of state and local officials. So, again, the theme is, "you figure it out."

The fifth factor which has liberalized Sunday retail trade is tourism. Tourist trade presently is a seven-day week business. Retailers strategically located in tourist areas find tourists readily desirous of spending their money at any time.

States such as Vermont, New Jersey, Florida, and Tennessee have exceptions built into their legislation especially for the tourists. As more states become tourist-minded, this factor may be considered of greater importance in the evaluating and/or eliminating of present Sunday legislation.

Each of these factors considered as bearing on the problem of Sunday legislation (city expansion, automobile explosion, employed married women, the Supreme Court Decisions of 1961, and tourism) is a result of modern environment. The sociological and economic changes are in part and parcel evidence of a growing and maturing nation -- one that is not satisfied with the status quo, but a nation that is continuously striving for personal betterment and convenience. Sunday selling may or may not be a means to the end of customer satisfaction. The empirical findings presented in the following chapters of this study are an attempt to probe for an answer to the Sunday selling problem.

#### Modern Sunday Closing Legislation

While some Sunday legislation is antiquated and unrealistic,

these laws have stood over the entire history of our nation. Though old legislation may stand, new supplements have been and are being developed by legislatures throughout the states. Of the state laws that currently legislate Sunday selling activities, eight were enacted before the 1950's (Delaware, 1935; Georgia, 1935; Minnesota, 1923; North Dakota, 1943; Oklahoma, 1910; Rhode Island, 1938; South Dakota, 1939; Tennessee, 1932; and Washington, 1909).

Most of the legislation has been reemphasized or revitalized since the 1950's. Twenty-seven states have supplemented or altered their legislation since 1953. Yet, this is not to imply that these states have solved their Sunday selling problems by providing this type of legislation.

For example, state courts in eight of the twenty-seven states with remodeled laws have declared their states' Sunday closing laws unconstitutional. In fact, six out of fifteen states passing legislation after the United States Supreme Court decisions in 1961 have declared these laws unconstitutional.

Since 1957, wherever legislators meet, the topic of Sunday closing legislation has become a conversation piece. While legislative attempts in several states have been just that -- conversation, other states have found demand or pressure strong enough to pass such legislation.

At present, Sunday closing legislation is "officially active" in twenty-eight states. Of course, this number deviates and will continue to deviate as long as legislators meet and enforcement agencies either stimulate or retract their law enforcement practices on Sunday retailers. For all practical purposes, fourteen states have no legislation which affects Sunday retailing. Added to these fourteen states

are the eight states where legislation has been declared unconstitutional. This increases the number of states not covered by Sunday closing legislation to twenty-two. Then the states with loose law enforcement can be added. While this is a value judgement that is only backed by reports in secondary research, twelve states indicate signs of only paying lip service to Sunday closing legislation. Result: no legislation or indications of loose enforcement--twenty-four states; Sunday law upholders--sixteen states.

#### The Geographic Concentration of Sunday Legislation

Chart 2.1 notes the geographic concentration of Sunday closing laws for the United States. This map suggests that states with well enforced active legislation are found principally in the New England states, the eastern states of Pennsylvania and Virginia, and the southeastern states from South Carolina to Louisiana (with the exception of Florida).

Regions of the Middle West and Southwest show areas with Sunday legislation which indicate a lack of rigid enforcement. This lack of enforcement may be due to questionability of evaluating the legislation or the poor enforcement performed by an enforcement agency.

Many Pacific, mountain, and central states have no Sunday closing legislation.

The chart shows twenty-one states free of this type of legislation and indicates a movement away from Sunday closing legislation when compared to Chart 2.2, which is a map exemplifying the status of Sunday laws in 1925.

The writer of the 1925 article<sup>a</sup> makes reference to states' strengthening, weakening, or holding the status quo in legislation which

was intended to safeguard the Christian Sunday. At that time only four states were without Sunday laws.<sup>1</sup>

The comparison shows that with changing times most of the laws as well as the principal reasons for the passage of the laws have changed.

Present legislators are not concerned with whether or not motion pictures should be viewed on Sunday and commercialized sports should be allowed. Now the major question concerns which retailers and what products may or may not be sold on Sunday, an interesting change that has evolved over a forty-one year period.

Changes in the present status show that the open-Sunday states in the West are spreading eastward through the southwestern, mountain, and many central states, and are making inroads into the southeastern states of West Virginia, North Carolina, and Florida. Yet states such as Louisiana, Missouri, New Hampshire, Massachusetts, and Connecticut have developed stronger legislation.

From this comparison, it is easily viewed that Sunday closing laws are currently less prevalent.

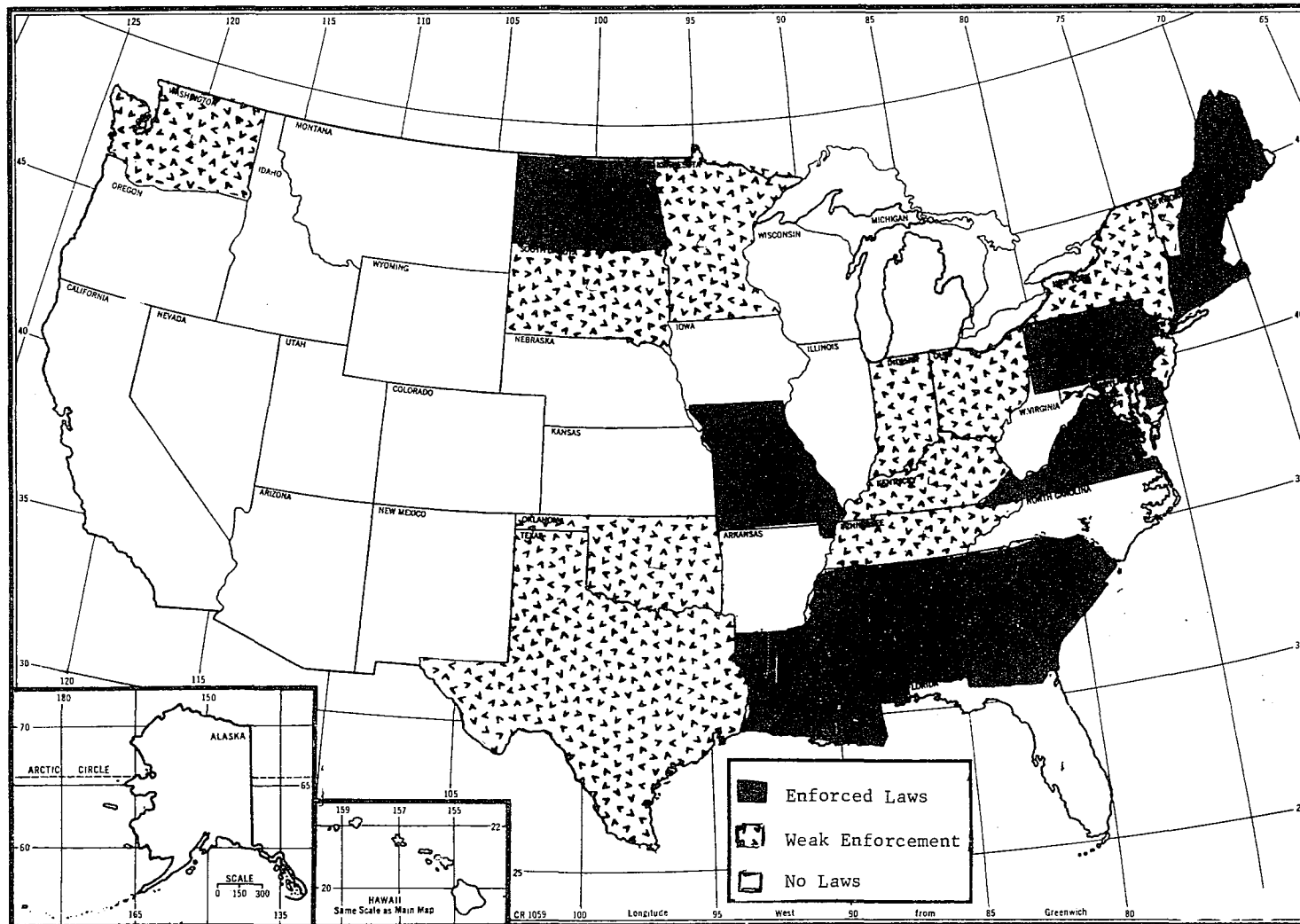
#### Types of Sunday Legislation

Modern Sunday closing legislation can be catagorized into two types. One is a broad general set of rules which primarily prohibit store openings. These laws prohibit the opening of "nonessential business" or work except works of necessity or charity. Yet, the question arises: What is necessary and what is charity? Courts in different

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<sup>1</sup>"Our Sunday and Anti-Sunday Laws," Literary Digest, Vol. 86, (September 12, 1925), pp. 32 and 33.

CHART 2.1  
SUNDAY CLOSING LAW MAP OF THE UNITED STATES  
1966

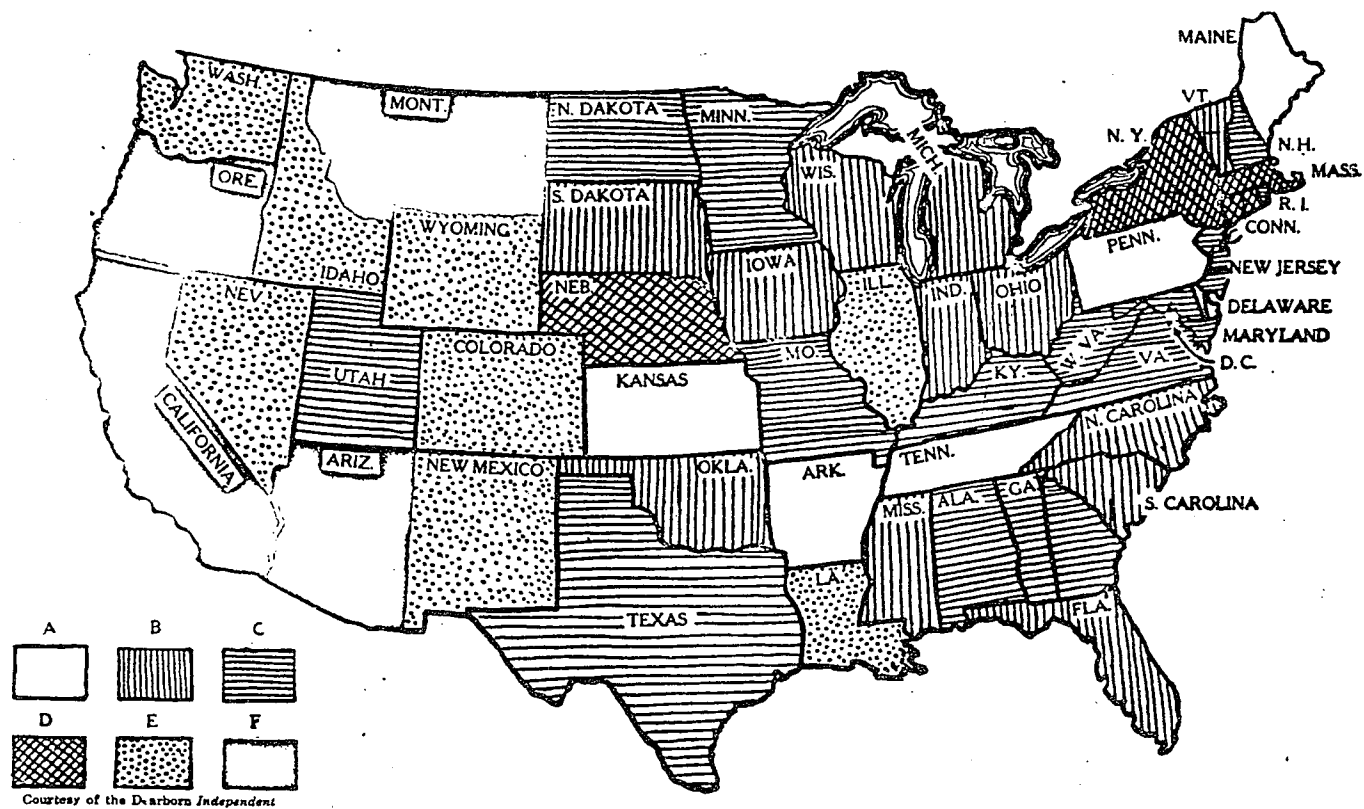


Source: Primary



CHART 2.2

SUNDAY CLOSING LAW MAP OF THE UNITED STATES  
1925



SUNDAY LAW MAP OF THE UNITED STATES

Key: A, States with very good Sabbath laws. B, States with good Sabbath laws. C, States with medium Sabbath laws. D, States with slightly below medium laws. E, States with very weak Sabbath laws. F, States and District of Columbia without Sabbath laws.

Source : *Literary Digest*, Vol. 86 (September 12, 1925), p. 34.

states have found this question difficult to answer; therefore, agreement is lacking. Broad, prohibiting type of general legislation is found in twenty-one states. These states are identified in Table 2.1.

The newer legislation is more specific. Under the new classification, Sunday closing laws essentially prohibit the sale of general merchandise on Sunday in any retail store. The objective of this legislation is to stop the sale of general merchandise which commercializes the universally observed day of rest and recreation. This form of legislation is presently active in seven states. (See Table 2.1.)

Prohibition of the sale of general merchandise originated in 1959 in the states of New Jersey and Pennsylvania. The Variety Store Association and the National Retail Merchants Association added support to this general merchandise legislation. The following classification includes goods specifically prohibited in the initial legislative bills or offered by the associations as groups of non-salable Sunday items:

- Automobiles
- Clothing and clothing accessories
- Housewares, china, glassware, and kitchenware
- Home, business and office furniture, furnishings, and appliances
- Tools, paints, hardware, building supplies, and lumber
- Jewelry, silverware, watches, and clocks
- Luggage
- Musical instruments, recordings, radios, television sets, and Hi-Fi equipment
- Sporting goods (except when sold on premises where sports, sporting events, and recreational facilities are located)
- Toys
- Yard goods
- Cameras and camera supplies, other than films and flash bulbs

TABLE 2.1  
SUMMARY OF PRESENT STATUS OF  
SUNDAY CLOSING LAWS IN THE UNITED STATES

	Year of Legislation	Decared Unconstitu- tional	Loose Enforcement	Prohibit Store Open (Broad)	Prohibit Sale of Mdse. (Specific)	Local Option	Restriction on Size of Store	Sat. - Sun. Closing Option
Alabama	1953			x				
Alaska	None							
Arizona	None							
Arkansas	None							
California	None							
Colorado	None							
Connecticut	1959			x				x
Delaware	1935			x		x		
Florida	1955	x						
Georgia	1935			x				
Hawaii	None							
Idaho	None							
Illinois	None							
Indiana	1959		x	x				x
Iowa	None							
Kansas	1963	x						
Kentucky	1959		x	x				x
Louisiana	1963				x			
Maine	1964			x		x	x	x
Maryland	1965		x	x		x	x	
Massachusetts	1964			x			x	x
Michigan	1962	x						
Minnesota	1923		x	x		x		
Mississippi	1964			x				
Missouri	1963				x			
Montana	None							
Nebraska	1963	x						
Nevada	None							
New Hampshire	1955			x		x		
New Jersey	1959		x		x	x		x
New Mexico	None							
New York	1965		x	x		x	x	x
North Carolina	1963	x						
North Dakota	1943			x		x		x
Ohio	1958		x	x				x
Oklahoma	1910		x	x				x
Oregon	None							
Pennsylvania	1961				x		x	
Rhode Island	1938			x		x		
South Carolina	1962				x			
South Dakota	1939		x	x				x

TABLE 2.1 CONTINUED  
 SUMMARY OF PRESENT STATUS OF  
 SUNDAY CLOSING LAWS IN THE UNITED STATES

	Year of Legislation	Declared Unconstitu- tional	Loose Enforcement	Prohibit Store Open (Broad)	Prohibit Sale of Mdse. (Specific)	Local Option	Restriction on Size of Store	Sat. - Sun. Closing Option
Tennessee	1932		x	x				
Texas	1965		x		x			x
Utah	1953	x						
Vermont	1961		x	x				x
Virginia	1964				x			x
Washington	1909		x	x				x
West Virginia	1963	x						
Wisconsin	None							
Wyoming	1957	x						

Source: Primary

But, if it is necessary to specify classifications of products which cannot be sold, logic then dictates that one defines what may be sold on Sunday.<sup>2</sup>

Drugs, medicines, medical, and surgical supplies  
Ice cream, ices, confectionery, and soft drinks  
Newspapers and periodicals  
Tobacco products and smokers' supplies  
Ice  
Perishable fruits and vegetables  
Bakery products  
Milk and dairy products  
Souvenirs  
Gasoline, motor oils, and fuel  
Repair parts (including installation service) for  
motor vehicles, boats, and airplanes  
Tires, batteries, and accessories for motor vehicles,  
boats, and airplanes  
Sporting goods when sold on premises where sports,  
athletic events, or recreational facilities are  
operated  
Heating fuel  
Burial supplies  
Garden and lawn supplies, flowers, plants, seeds, and  
shrubs  
Prepared meats for on or off the premises consumption  
Any article in case of a public emergency so declared  
by the Governor<sup>3</sup>

Advocates of the specific Sunday closing law which prohibits the sale of general merchandise declare that the broad legislation is unenforceable because of the lack of precise definition. Yet, even the specific legislation has problems for enforcement officials. The

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<sup>2</sup>This classification of what may be sold is not new with this specific legislation. In fact, most of the laws in the broad general category list many of these items as exceptions to the general rule. Therefore, specific legislation merely attempts to state what cannot be sold as well as what can. Many of these items have historically evolved in Sunday closing legislation as a matter of keeping in time with the current way of life.

<sup>3</sup>National Retail Merchants Association, Analysis of State Sunday Statutes as of May, 1961, A Report Prepared by the National Retail Merchants Association (New York: National Retail Merchants Association, 1961), pp. 3 and 4.

general merchandising technique today is scrambled. General merchandise is now found in many stores which display different flags. Retail establishment categories are fine for the statistician, but they no longer can be relied upon as a firm description of the products sold inside. It is only natural that if a store is allowed to remain open on Sunday because primary products sold are acceptable Sunday sales items, limiting the sale of prohibited Sunday items is almost impossible and poses a continuing problem that has not been faced realistically in any form of the present legislation.

Local option clauses. Of course, lack of Sunday state legislation does not mean that retailers in these states have the business-as-usual attitude for Sunday or that they are not prohibited by local ordinances from their day of rest. Local ordinances have been and are effective in many cases. Yet, the traditional highway retailer locates beyond the jurisdiction of the ordinance and operates on Sunday if it appears desirable. Therefore, state legislation would appear to be superior to the local ordinance type of legislation, which is the primary reason for considering state legislation in this study. Nine states specify local option provisions in their Sunday closing laws (see Table 2.1.). Local option appears to be a way out for state legislators. In each state except New Jersey, local option is involved with the broad Sunday closing laws. Therefore, legislators are relieved from specific decisions, and the laws are merely guidelines. In lieu of these specifics, they allow for local laws.

Restriction on size of store clauses. Modern legislation also advances other new Sunday law clauses. For instance, Maine, Maryland, Massachusetts, New York, and Pennsylvania allow small stores to open on Sunday, while large stores must close. In Maine, store owners

who observe another day as the Sabbath may open on Sunday if the store is less than 5,000 square feet in size and has less than six employees. Maryland allows the opening of a retail store on Sunday if there is not more than one person employed in addition to the proprietor. Massachusetts sanctions legal Sunday operations for "ma and pa" stores which operate with two clerks or less. So does New York. Pennsylvania permits grocery stores to open if less than ten persons are employed. These states are the first to differentiate Sunday selling by size, which actually supports the small merchant competitively.

The logic of thwarting Sunday openings by large merchants to earn their livelihood may be an admission that bigness in retailing operation is bad. Will small stores continue to operate efficiently by this protective legislation? Can these small stores operate efficiently? Do small stores that are efficient stay small? It seems these questions should have a bearing on establishing permissive legislation for these exceptions. Some small merchants lack the efficiency necessary to perform their tasks successfully regardless of legislative protection of any type. If protection of the small retailer is the reason for such a clause in the legislation of these states, this legislation would be as ineffective as the fair trade legislation in states which also had in purpose to protect the small "efficient" retailer. An evaluation of the term "efficient" in this legislation is also a very difficult problem which has a definite bearing on the ineffectiveness of the fair trade legislation. It is a difficult proposition to draw the line on what is fair in most legislative endeavors.

Saturday-Sunday closing options. Clauses in Sunday closing legislation in fifteen states give Sabbatarians or others the right to open or sell certain products on Sunday if they have given up their

Saturday openings or sale of these goods. (See Table 2.1.) Saturday or Sunday closing option clauses suggest a solution to the problem of religious differentiation so often a controversy in these laws. If Sunday legislation is warranted as necessary by state legislatures, an adoption of a Saturday or Sunday closing option clause in modern legislation appears feasible and possibly even necessary if such legislation is to be considered workable.

#### Supreme Court Rulings on Sunday Closing Legislation

The United States Supreme Court has permitted itself to evaluate Sunday closing legislation very rarely during the history of this country. Probably the first noted case involved in Sunday legislation was the case of Hennington v. Georgia<sup>4</sup> in 1896. Here the Supreme Court upheld the right of states to regulate Sunday activities as a legitimate exercise of their police powers. The court pointed out that men without rest would become machines. The case did not involve a court opinion on the effect of state Sunday closing laws violating the Constitution of the United States.

In fact, an evaluation of the violation of the United States Constitution was not rendered until June of 1961, when the Supreme Court handed down their decisions on four cases involving Sunday closing laws in three states.

The challenges taken to the Supreme Court considered Sunday closing legislation violations of the first and fourteenth amendments to the United States Constitution. The First Amendment was challenged by the contention that Congress can make no law respecting the

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<sup>4</sup>163 U. S. 299 (1896).



establishment of religion and prohibiting the free exercise of religion. The challenge to the Fourteenth Amendment came on the basis which guarantees that no state may deny to any person "the equal protection of the laws."

Two cases, Braunfeld v. Brown,<sup>5</sup> which involved five orthodox Jewish merchants of Philadelphia, and Crown Kosher Supermarket of Springfield, Massachusetts v. Gallager,<sup>6</sup> challenged the First Amendment and the religious freedom guaranteed by each state's Sunday closing legislation.

The court ruling upheld the constitutionality of these two Sunday closing laws. Here the court concluded that the purpose of the Sunday closing laws was no longer religious in nature and that the litigants could continue to practice their religion regardless of the law. The court did concede that these retailers who wish to work on Sunday are burdened economically by a prescribed day of rest on Sunday, but reasoned that it is within the constitution for a state to regulate secular activity on Sunday, and for Sabbatarians this "operates so as to make the practice of their religious beliefs more expensive."<sup>7</sup>

Two other cases, McGowan v. Maryland<sup>8</sup> and Two Guys from Harrison-Allentown, Inc. v. McGinley<sup>9</sup> involved discount operations open seven days a week. Here the discounters contended that Sunday laws were

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<sup>5</sup>81 Supreme Court 1144 (1961).

<sup>6</sup>81 Supreme Court 1153 (1961).

<sup>7</sup>Ibid.

<sup>8</sup>Ibid.

<sup>9</sup>81 Supreme Court 1135 (1961).

irrational, arbitrary, and discriminatory in their effect, and thus unconstitutional under the due process provision of the Fourteenth Amendment.

The Supreme Court decision ruled that:

"states have wide scope of discretion in enacting laws which affect some groups of citizens differently than others. The fact that exemptions exist and deny some vendors and operators the day of rest and recreation contemplated by the legislature does not render a statute violative of equal protection since there would appear to be many valid reasons for these exemptions and no evidence to dispel them."<sup>10</sup>

These 1961 decisions of the Supreme Court are the only decisions pertaining to Sunday legislation that the Supreme Court has allowed itself to review. Another case was brought to the attention of the Supreme Court for review in 1962. This case involved Kentucky's Sunday Closing Law and was an appeal to declare this law unconstitutional. Courts of Appeal had already declared this legislation valid. The Supreme Court refused to review the Appeal Court's finding. Again, this conclusion infers that the United States Supreme Court desires each state to consider and coordinate its own Sunday legislation.

The United States Supreme Court's philosophy has magnified the task of many state and municipal courts. In these lower courts Sunday closing laws have become quite common. In fact, many judges in states such as New York, Ohio, and Texas probably wish they had never heard of Sunday closing laws. Indications are that the lower judiciary will continue to face these problems as before.

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<sup>10</sup> Richard Cohen, Sunday in the Sixties, A Report Prepared by the Public Affairs Committee, Inc. (New York: Public Affairs Pamphlet No. 327, 1962), p. 19.

### Are Sunday Closing Laws Enforceable?

One of the major weaknesses of Sunday closing legislation is the lack of adequate enforcement. While the legislation is principally of state origin, enforcement of Sunday laws is mainly a local problem. Enforcement officials in many localities state that Sunday laws have low priority in their law enforcement program. In the present social and economic setting of municipalities, the enforcement of Sunday legislation appears negligible in relation to such other law enforcement problems as automobile accidents, criminal activities, and traffic problems which usurp so much of the law enforcer's time. As Sunday is proclaimed a day of rest, law enforcement bodies tend to be smaller on this day. Therefore, Sunday selling problems take a back seat to these other more fundamental activities.

Again, a common problem develops. Local law enforcers feel that state law agencies should handle Sunday selling problems, while state agencies feel the solution to enforcement should be local in application. Enforcement of Sunday closing laws is considered the weakest feature of this legislation. The weakness of Sunday closing laws stems from poorly written legislation, which has been declared full of inconsistencies by judiciary decisions, making enforcement difficult even in areas which still desire to uphold these laws.

Traditionally, Sunday legislation has proclaimed only minimal fines for offenders. In many areas, retailers find it profitable to stay open on Sunday when such openings are against the law, as the fine imposed is considered insignificant to the revenues obtained from being open. Modern legislation has attempted to make fines more stringent, but legal loopholes and the lack of consistent enforcement may prove to be handicaps to its success.

Another real problem in enforceability of Sunday closing legislation is the customer himself. Customers who continue to make purchases on Sunday in localities where this is against the law are actually contributing to non-enforcement and encouraging disobedience of this law by some retailers. Retailers close only if they know that customer support is not with them.

Many law enforcers do not act on their own in curbing Sunday selling violations, but they act under the impetus of proding merchants' groups and other public-spirited organizations which demand some action.

A major factor in enforcement may be the size of the retailer. Recent enforcement has attacked large-scale retailers operating on Sunday, but more often leaves the small retailer alone. This type of enforcement may be judged discriminatory in itself.

All of these problems have made the enforceability of Sunday closing laws questionable as well as confusing. Only complete clarification or elimination of the legislation can solve the dilemma facing law enforcers.

#### The Character of Legislation in the Selected Areas Sampled

Each of the selected metropolitan areas surveyed in this study has some notable characteristics pertaining to Sunday closing legislation. These characteristics are explained for each of the areas in the following commentary.

Connecticut. Connecticut's statutory enactments for observing Sunday activities were enforced even before 1700.<sup>11</sup> This early

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<sup>11</sup>Fox v. Able, 2 Conn. 541 (1818).

legislation was developed to promote attendance at public worship and religious observance on Sunday. Some changes transforming the laws from basically religious to secular in character have evolved over the years. The most recent changes were made in 1959. Recent changes are supplements to former pieces of Sunday legislation. Essentially the statutes relative to Sundays prohibit any secular business or labor, except the works of charity and necessity. Also expressly prohibited are the sale of goods, the opening of shops, or the buying, selling, or exchanging of automobiles, as well as the employment of labor.<sup>12</sup>

Historically, amendments to the original laws toward new exemptions reveal that legislators were changing a religious law into one having the primary purpose of observing a day of rest and recreation. Exemptions in the legislation are specified by product and type of business. Products such as drugs, newspapers, gas and oil, ice, ice cream, confectionery, tobacco and smoking supplies, dairy products, eggs, baking goods, and necessary repairs are listed. Under the type of business, drug stores, gas stations, and persons with another Sabbath who file a notice of relief are exempted. The remaining exemptions for works of charity and necessity have generally been left to judicial interpretation.

A major peculiarity in legal decisions pertaining to the Sunday closing law in Connecticut is that antiques are ruled to be salable on Sunday, while the sale of reproductions of antiques is a violation of the statute.<sup>13</sup>

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<sup>12</sup>Connecticut General Statutes, 53-300 to 53-302.

<sup>13</sup>State v. Shuster, 145 Conn. 554, 145 A. 2d 196 (1958).

Fines for violating Sunday laws are set at fifty dollars, which is an example of a weakness in the legislation. Because of the small amount of the fine, it seems that it would be profitable for retailers in Connecticut to disregard the Sunday closing law. However, the returns from Hartford indicate that this is not the case. Few retailers are open on Sunday, and there is no evidence of Sunday unrest. Therefore, while this state's law is broad, it has historically been generally effective, thus indicating an acceptance of the law on the part of retailers and customers.

Louisiana. Sunday closing legislation in Louisiana specifies that "all stores, shops, saloons, and all places of public business licensed under the law of Louisiana or under any parochial or municipal law, and all plantation stores shall be closed from twelve o'clock on Saturday nights and remain closed continuously for twenty-four hours, during which time no proprietor thereof shall give, trade, barter, exchange, or sell any of the stock or any article of merchandise kept in his establishment."<sup>14</sup>

Exceptions to the above provisions include news dealers, ice houses, newspaper offices, soda fountains, printing offices, bookstores, drug stores, apothecary shops, undertaker shops, public and private markets, bakeries, dairies, and stores for the purpose of selling anything necessary in sickness and for burial purposes.<sup>15</sup>

A supplemental act was passed in 1962. This act prohibited the sale of specific goods on Sunday. Among the goods prohibited are clothing and wearing apparel; lumber or building supplies and materials;

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<sup>14</sup>Louisiana Revised Statutes, 51:191.

<sup>15</sup>Ibid., 51:192.

furniture--home, business, or office furnishings; or household, office, or building appliances. This new supplemental legislation is designed to prohibit the sale of general merchandise on Sunday. Legislators called the purpose of this supplement to promote the health, recreation, and welfare of the people of Louisiana and to prevent unfair competition.

Louisiana's legislation is a combination of both the broad and specific types. As the new supplement is more exact, more emphasis is placed on the enforcement of these provisions.

Fines under the broad legislation range between twenty-five and two hundred and fifty dollars and/or imprisonment for ten to thirty days for each offense. The specific supplemental legislation imposes a fine of one hundred dollars for the first offense. Second offenders may be imprisoned up to six months and fined up to five hundred dollars, or both.

The supplemental legislation exemplifies the modern approach to Sunday closing laws in both content and fines. Since the development of this new legislation, its constitutionality has been tested and upheld. Only the section of the Sunday closing law pertaining to building supply materials has been ruled as unconstitutional. The building supply materials clause was ruled invalid because the term was too inexact to have any standing in law. The interesting fact here is that several other states include the same prohibitions against the sale of building materials, and this clause has not been challenged or ruled unconstitutional.<sup>16</sup>

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<sup>16</sup>The (Baton Rouge, Louisiana) Morning Advocate (April 9, 1963), p. 5-C.

There has been very little printed evidence that retailers in Louisiana are not abiding by this Sunday legislation. The New Orleans sample, however, indicates that retailers are not complying with this legislation, and even more in evidence is the fact that retailers sampled showed little knowledge of the existence of Louisiana's Sunday Closing Law.

Ohio. At the present time the law in Ohio concerning Sunday closing is found in Section 3773.24 of the Revised Code of Ohio as amended by 128 Ohio Laws 1219 effective July 17, 1959. The article reads:

"No person, firm or corporation shall engage in common labor or suffer or permit a building or place to be opened for transaction of business, or require a person in his employ or under his control to engage in common labor or to open a building or place for the transaction of business on Sunday. In prosecutions under this section complaints shall be made within ten days after violation.

"This section does not apply to work of necessity or charity and does not extend to persons who conscientiously observe the seventh day of the week as the Sabbath and abstain thereon from doing things prohibited on Sunday."

The only item exempted in the legislation is drugs.

Present legislation has been held constitutional as well as unconstitutional according to two different Ohio courts. These two contradictory opinions were delivered in 1960 within a matter of one month from each other. On April 21, 1960, in a county court of Ohio, Judge Carpenter in the case of State v. Woodville Appliance, Inc. held the law to be unconstitutional.<sup>17</sup> Judge Carpenter in a vigorous opinion cited the law as arbitrary, capricious, and unreasonable. He

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<sup>17</sup> 171 N.E. 2d 565, (1960).



held that there were unreasonable classifications in the law and it granted special privileges to few. Carpenter also called the law vague and contrary to constitutional provisions and the Bill of Rights. However, on May 19, 1960, in the case of State v. Corn heard in the Court of Appeals for the State of Ohio (which has precedence over a county court), Judge McLaughlin held the Sunday closing law constitutional and upheld the defendant's conviction. In this particular case, the defendant sold a child's toy on Sunday and was convicted in Canton Municipal Court of violating the statute prohibiting common labor on Sunday. On appeal, the defendant claimed he was operating under an exception within the statute. The judge ruled that this was a valid defense but that the burden of proof rested with the defendant. The judge further ruled that this particular defendant failed in his burden of proof. McLaughlin said, "In the instant case there can be no reasonable doubt that the activities of the Giant Tiger Store and similar 'discount' houses are not exempt under the statute." He further held in his opinion that the statute was not insufficient because it failed to aver guilty knowledge, criminal interest, or scienter or because it failed to contain negative averments of the statutory exceptions.

Therefore, from the jurisprudence, at the present time the Ohio Blue Laws are constitutional, but still very debatable.

In April, 1961, the Cincinnati Merchants Association announced that its members who were taking Sunday telephone orders would cease this practice. Their plea was to win public support for closing non-essential businesses on Sunday.<sup>18</sup>

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<sup>18</sup>"Cincinnati Retailers Support Blue Laws," Business Week ' (April 22, 1961), p. 91

In 1962, Judge William Gillie dismissed a Sunday law charge against the general management of Whitehall Discount City on the grounds that the evidence against the manager had been obtained illegally. The judge ruled that members of the Greater Columbus Sunday Association who had made Sunday purchases at the store to obtain evidence had been working for pay, contrary to the state's Sunday law. The judge's contention was that the purchasers were "in the same measure guilty of common labor on Sunday as salesmen in the store."<sup>19</sup>

In November, 1962, a proposed constitutional amendment designed to modernize Ohio's Blue Laws went down to defeat in a statewide referendum which continued to confuse the problem.<sup>20</sup>

Since this time, confusion has continued to exist. State and city politicians, attorneys, policemen, and judges have continued to belabor this problem. The fruits of their labor have tended to permit Sunday openings, whether or not this was their original intention.

The present Ohio Sunday Closing Law does not specifically provide a penalty clause. Therefore, the statute is probably interpreted per individual case. Minimal fines of twenty-five dollars or less have been imposed for violation. In Columbus, Mayor M. E. Sensenbrenner ordered police to stop making Sunday sales arrests. The police department estimated the cost per Sunday sales arrest was \$57.16 per case. As most fines were twenty-five dollars, or less than half the cost per citation, each arrest led to the city's losing money.

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<sup>19</sup>"Rules Buying for Evidence Is Illegal Sunday Work," Supermarket News (August 6, 1962), p. 34.

<sup>20</sup>"Milk Amendment in Ohio Loses," Supermarket News (November 19, 1962), p. 30.

Under these circumstances, the many violators were too frequent for local law enforcement agencies to handle.<sup>21</sup>

Therefore, the Ohio Sunday Closing Laws are present but almost completely disregarded, and retail business on Sunday in Ohio is "business as usual."

Tennessee. The Tennessee Sunday Closing Law has a blanket prohibition against all work. It has been described as a law written in such terminology as to make enforcement impossible.<sup>22</sup>

The Tennessee law reads as follows: "If any person shall be guilty of exercising any of the common vocations in life, or of causing or permitting the same to be done by his children or servants, acts of real necessity or charity excepted, on Sunday, he shall, on due conviction thereof before any justice of the peace of the county, forfeit and pay ten dollars; one-half to the person who will sue for the same, the other half for the use of the county."<sup>23</sup> This law dates back to 1932.

Relatively few court cases have occurred in the evolution of the present law. Those concerning contracts include the following: The payment of a debt contracted on Sunday and accepted by the creditor is an executed contract that cannot be avoided. No relief can be granted to either party, since each is equally at fault.<sup>24</sup> A contract

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<sup>21</sup>"Enforcing 'Blues' Costly for Cops," Discount Store News (August 10, 1964), p. 9.

<sup>22</sup>Chell, Eugene P., "Sunday Blue Laws -- An Analysis," Rutgers Law Review, Vol. XII (Spring, 1958), p. 505.

<sup>23</sup>Tennessee Code Annotated, Sec. 4001 (1955).

<sup>24</sup>Berry v. Planter's Bank, 3 Cooper's Tenn. Ch. 69 (1875).

of sale made on Sunday to be completed on Monday is not void as made on Sunday, for it was not then completed.<sup>25</sup> A prospective purchaser could recover earnest money paid to a real estate broker on Sunday.<sup>26</sup>

The Sunday sale of beer in a restaurant is not a violation, since operating a restaurant is considered a necessity under the interpretation of the statute.<sup>27</sup> Neither is the playing of professional baseball on Sunday a violation, because "the game was not in existence when the statute was enacted, and the legislature did not have it in mind."<sup>28</sup>

Memphis has had a local Sunday law since 1826. The sale of the following articles is forbidden: fresh meats, fresh fish, wearing apparel, furniture, household appliances and fixtures; also the performance of services on Sunday. Exemptions include milk, bread, cakes, pastries, fresh fruits; prepared foods such as, but not limited to, cooked meats, cooked fish, slaw, salads, cheese, preserves, pickles, relishes, and canned and frozen goods; medicine and medical supplies, and all other such items as are customarily used for the relief of pain; cigars, cigarettes, and other tobacco supplies; candy, ice cream, sodas, and soft drinks; publication and sale of newspapers, periodicals, and magazines; car rentals, storage and servicing of taxicabs, motor and public transit vehicles; hotels, restaurants, public utilities;

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<sup>25</sup>Moseley v. Vanhooser, 74 Tenn. 286, 40 Am. Rep. 37 (1880).

<sup>26</sup>Palmer Bros. v. Havens, 29 Tenn. App. 8, 193 S.W. (2nd), 91 (1945).

<sup>27</sup>Baird v. State, 179 Tenn. 444, 167 S. W. (2nd) 332 (1943).

<sup>28</sup>State v. Nashville Baseball Assn., 141 Tenn. 456, 211 S. W. 357, 4 A.L.R. 368 (1918).

watchman services; park, recreational, and cultural facilities, hospitals, undertaking establishments, and florists.<sup>29</sup>

Generally, the continued urbanization of the state has meant a gradual weakening of the aged Sunday laws in many areas of the state. However, Memphis, with its local option, continually strives to preserve Sunday from a day of retailing, and from the results of the Memphis sample, it is probably enforcing Sunday legislation stronger than any other areas within the state.

Texas. Texas Sunday laws were originally enacted in 1887. Articles 283-287, Penal Code of Texas, provided the basis for their origin. The emphasis of the law was to forbid individuals "to labor, or compel, force, or oblige his employees, workmen, or apprentices to labor on Sunday."<sup>30</sup> Of course, certain exemptions were allowed: The grocer could sell ice, ice cream, and milk; the druggist could sell drugs, medicines, ice cream, and newspapers; service stations could merchandise gas and oil; and places of amusement such as movie theaters and baseball parks could sell tickets.<sup>31</sup> Article 287 was enacted in 1925 and amended in 1931. The main purpose of this article was to authorize the continuous sale of certain items and services called necessities. It authorized the sale of almost all "provisions" before 9:00 A.M. on Sunday, yet qualifications were spelled out differently for the rest of the day. Movie theatres could be opened after 1:00 P.M., but such amusements as circuses, variety theatres, bowling alleys, dances at disorderly houses, low dives or places of like character

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<sup>29</sup>The Memphis Municipal Code, Ch. 28, Sec. 794.

<sup>30</sup>Vernon's Texas Penal Code, Art. 283.

<sup>31</sup>Ibid., Arts. 284-287.

were prohibited.<sup>32</sup> Naturally, peculiarities in the law were found. Service Station operators were forbidden to wash a car or fix a flat unless the fixing of the flat was a necessity. Burial or shrouding materials were authorized to be sold, as well as the sanctioning of the opening of drug stores, livery stables, boarding houses, and restaurants. Bath houses were permitted to open, but such sports as boxing and wrestling were branded undesirable Sunday activities.<sup>33</sup>

Grocers could legally sell beer on Sunday afternoons, but they could not legally sell other possibly more nutritional items.<sup>34</sup> Naturally the original laws restricted most non-essential activities on Sunday except "works of charity and necessity." These prohibitions are so broad that they cannot be made to apply to modern life.

The original statutes have frequently been upheld by the state courts as valid. But the attitudes and concepts of the originators undoubtedly vary greatly with present-day observers. General public disinterest, the unreality, uncertainty, and ambiguity of the laws up to 1960 emphasized general lack of enforcement. Many retailers were opening on Sunday with little regard for or knowledge of the law. Yet it only took the opening of a giant retail operation -- Globe Discount City, with policies of low prices and unusual hours -- to provoke protests from Houston merchants, the Houston Retail Merchants Association, and church groups. These protests invoked pressure on the city fathers to enforce the law. And enforcement was accomplished. The attitude for the theme of enforcement seemed to

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<sup>32</sup>Loc. cit.

<sup>33</sup>Ibid., Art. 614.

<sup>34</sup>Ibid., Art. 667.

say, "I don't care what retailers are open on Sunday, as long as it's not the big ones." Thus, a handful of regular policemen (the blue law police squad) tried enforcement of the Sunday closing laws along with their regular Sunday chores. Naturally this led to discriminatory enforcement of the law.<sup>35</sup>

Vigilantes went into action as many Houston stores did not desire to close, even under pressure of the city administration.

"In rebuttal to the organized blue law police squad... the supporters of Sunday selling organized themselves into a 'Citizens Committee for Seven Days of Freedom.' They not only challenged the Texas law by staying open on Sunday, but attempted to test the law by filing their own complaints against drug stores, supermarkets, service stations, and even the gift shop in the Houston Airport, all of which have stayed open on Sundays--and all equally in violation of the admittedly confusing and long-ignored Texas blue laws."<sup>36</sup>

Finally a new Texas Sunday Closing Law passed the First Special Session of the Fifty-seventh Legislature on August 11, 1961. The law allowed the sale of food and drugs on Saturday and Sunday, but prohibited the sale of most general merchandise items on one of the two days. Exceptions to the restrictions were: sales for charitable purposes; items used for funeral or burial purposes; items sold as a part of or in conjunction with the sale of real property; novelties and souvenirs; and the sale of items specifically outlawed. These exceptions were granted if the purchaser certified in writing that the purchase was needed as an emergency for the welfare, health, or safety

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<sup>35</sup>Dr. James H. McCrocklin, "Blue Laws, City Style," Paper read at the Southwestern Social Science Association, Dallas, Texas (April 20, 1962), p. 6.

<sup>36</sup>E. B. Weiss, "Never on Sunday?" A Study on Sunday Retailing, A Report Prepared by Doyle Dane Bernbach, Inc. (New York: Doyle Dane Bernbach, Inc., 1962), p. 65.

of human or animal life. Violation of the law is classified as a misdemeanor, with a fine of \$100.00 for the first offense and \$500.00 and/or six months imprisonment on second and subsequent offenses. Each sale constitutes a separate offense.<sup>37</sup> The act in no way repeals Articles 286 and 287 of the Penal Code of Texas. So advocates stipulate that this is not really a blue law, but a six-day business week law.<sup>38</sup>

Typically, the 1961 Texas Sunday Closing Law was characterized as a modern contribution toward stopping the sale of general merchandise on Sunday, which is an attempt to halt the commercialization of a universally observed day of rest and recreation. Yet some supporters of the new bill in the legislature said the law was aimed at discount houses. One legislator, Senator George Parkhouse of Dallas, prior to enactment of the bill said, "It isn't fair for these Northerners to come down here and take business away from old established businesses."<sup>39</sup> If this was the real reason for enactment of the statute, discrimination may be heartily supported.

A particularly interesting segment of the Texas law gave merchants the option of closing on Saturday or Sunday. It had been

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<sup>37</sup>Sunday Selling, A Report Prepared by the Institute of Distribution, Inc. and Variety Stores Association, Inc. (New York: Institute of Distribution, Inc. and Variety Stores Association, Inc., October 13, 1961), p. 10. Articles include clothing, clothing accessories, footwear, headwear, home, business, office, or outdoor furniture, kitchenware, china, home appliances, stoves, refrigerators, air conditioners, electric fans, radios, television sets, washing machines, driers, cameras, hardware, tools (other than nonpower-driven hand tools), jewelry, precious or semiprecious stones, silverware, watches, clocks, luggage, motor vehicles, musical instruments, recordings, toys, mattresses, bed coverings, household linens, floor coverings, lamps, draperies, blinds, curtains, mirrors, lawn mowers, cloth piece goods.

<sup>38</sup>Dawson Duncan, "Merchants Say They'll Obey Blue Law," Dallas Morning News, Sec. IV (October 22, 1961), p. 3.

<sup>39</sup>"Discount Houses To Be Hit By Blue Law Enforcement," The (Baton Rouge, Louisiana) Sunday Morning Advocate (November 6, 1961), p. A-8.



ruled by the Attorney General that chain stores selling the same articles in all stores in question must close all stores either on Saturday or Sunday.<sup>40</sup> Another attorney commented that a "merchant could abide by the law if he stayed open both days but posted a notice that he wouldn't sell the prohibited items on one of the two days... as long as he doesn't sell or offer to sell the restricted items on both days."<sup>41</sup>

Exceptions to this law were allowed in case of health, welfare, and emergency needs of humans or animals, but the buyer was required to sign a statement certifying this need. The emergency clause became the major weakness of this piece of legislation. Originally the burden for determining an emergency rested with the seller rather than the buyer. A Texas Supreme Court ruling in May, 1964, approved the "subjective" test whereby the purchaser was the sole judge as to whether a purchase was an emergency.<sup>42</sup> The ruling held there is no obligation that the merchant apply an "objective" test in determination of the fact of an emergency provided the purchaser is required to sign a "certificate of emergency" and the certificate is kept by the merchant for one year for possible inspection. The high court ruled the Texas law constitutional but opened the door for discounters and other retailers throughout the state to reopen their doors for business on Sunday. In the 1965 Legislature, the law was further amended to attempt

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<sup>40</sup>"Chain Stores Given Ruling on Blue Law," Houston Chronicle (November 9, 1961), p. A-1.

<sup>41</sup>Associated Press Dispatch "Austin Police to Start Enforcing Blue Law," Houston Chronicle (November 11, 1961), p. A-1.

<sup>42</sup>"Texas Supreme Court Upholds Sunday Law But Permits Sales of Emergency Items," Discount Store News (June 15, 1964), pp. 1, 21, and 22.

to keep some "teeth" in it. Therefore, Sunday selling is now in effect under the blessing of the court for retailers who desire to operate on Sunday. Under the present circumstances enforcement agencies need to pay little attention to this problem.

California. The State of California has no Sunday closing laws, yet this does not mean that interest in such legislation is not apparent. In 1963 a group by the name of "Californians Against Commercializing Sunday" spearheaded a movement to bring Sunday Closing to California.<sup>43</sup> The group's theme was to eliminate unnecessary selling at retail on Sunday and to allow exemptions for sale of: (1) food, drugs, gasoline, automobile supplies; (2) items used for recreational purposes, including souvenirs and novelties; (3) real property transactions; (4) goods for charitable purposes; (5) plants, seeds, shrubs, and lawn supplies as found in nurseries for home gardening. A bill was introduced in the California legislature, but nothing ever came of it. Therefore, California continues to be free of Sunday closing legislation, and many retailers continue to operate on Sunday.

Colorado. Colorado has no general Sunday closing laws. It does, however, have a specific law regulating the selling of new and used automobiles on Sunday. Like California, interest groups forming under the banner of "SOS" (Save Our Sundays) in 1962 promoted a general state law,<sup>44</sup> but nothing came of this pressure in the legislature. In 1962 Aurora, a suburb of Denver, had an organized group

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<sup>43</sup>"Calif. Sunday Law Fans Adopt Name," Discount Store News (February 11, 1963), p 4.

<sup>44</sup>"Fans in Push On Sunday Closing Law in Colorado," Super-market News (December 24, 1962), p. 12.

of citizenry petition for a popular vote on an ordinance to prohibit Sunday operations of certain businesses with three or more employees. The potential ordinance was presented to Aurora voters in the November election, and the ordinance was defeated at the polls.<sup>45</sup> The primary aim of this ordinance was against discount houses. Presently discount houses continue to operate in Aurora as well as other communities in Colorado.

#### A Summary of the Findings

Sunday closing legislation has recently undergone alterations in many states. Changes have occurred which are essentially lessening the magnitude of states covered by these laws.

Factors influencing modern Sunday problems are noted as city expansion, the use of the automobile for shopping, the increase in working married women, the United States Supreme Court's decisions that Sunday closing laws are constitutional under the First and Fourteenth Amendments, and the increased emphasis states are placing on tourism. Each of these factors has changed the complexity of the modern Sunday. If Sunday legislation is felt necessary, it should change with the times.

The judiciaries of eight states have declared their Sunday closing laws unconstitutional. Utah, Kansas, Michigan, and North Carolina laws were ruled vague and uncertain. Wyoming and Nebraska judges ruled the laws were discriminatory. In Florida the law was ruled an unconstitutional exercise of the state's police power, and in West Virginia the law was renounced on a legal technicality, as

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<sup>45</sup>"Voters Nix Sunday Discount 'Blues,'" Discount Store News (November 19, 1962), p. 18.

it was passed after the constitutional deadline for legislative adjournment. The declarations of the above state judiciaries plus repeal of Sunday laws by New Mexico in 1963 suggest that Sunday closing legislation is losing its impetus.

The types of Sunday legislation discussed involve a broad general set of rules which essentially prohibit store openings and the new specific legislation which spells out merchandise that can and cannot be sold on Sunday. The newer specific legislation can be judged competent in five of the seven states in which it now operates. While the broad type of law cannot meet this competency percentagewise to the states employing the specific types (this being the primary reason for the origination of the specific), such states as Connecticut, Maine, Massachusetts, Mississippi, New York, and Vermont have granted more exemptions in their legislation, which has probably strengthened their laws. Strengthening of Sunday legislation, however, can only be judged on the basis of court tests and the manner in which retailers react to the legislation. A major amount of controversy continues to exist in New York, the only state which has had recent legislation as a result of court tests and retailer reaction.

An interesting phenomenon in Sunday closing legislation is apparent from this analysis. States that historically have had Sunday laws are the forerunners for developing new changes in their existing legislation. However, states that have had no laws still have no laws forthcoming. Therefore, converting the minds of legislators in states to indoctrinate something new has been more difficult than changing the minds of legislators in states already covered by the legislation.

Enforcement is the major weakness in Sunday legislation. Judicial reversals, discrimination of enforcement because of retail size, customer discontent with laws, law enforcement agency "buck passing," and minimal fines for violations all attribute to this weakness. (For a detailed description of state Sunday closing laws in the United States see Exhibit 5 of the Appendix.)

The state laws of the metropolitan areas sampled give a cursory view of the magnitude of Sunday legislation across the United States.

Connecticut Sunday laws are broad and contain minimal fines. While these factors are looked at as shortcomings in the minds of more stringent legislation advocates, the law appears to be acceptable to its citizenry.

Louisiana recently initiated the new specific legislation and has tightened the Sunday hold with more concerted enforcement.

Ohio laws are broad and almost completely disregarded by the judge, law enforcer, retailer, and customer.

Tennessee maintains an old, non-remodeled law which is difficult to enforce. An example of local option is shown in a Memphis ordinance which is kept up-to-date and enforced.

Texas represents an example of the new law which has been handed a blow by the Texas Supreme Court in such a way as to make enforcement difficult and retail openings more prevalent.

California and Colorado are free of Sunday legislation.

Along with the specific treatment of Sunday legislation of the metropolitan areas to be analyzed, this chapter gives an overview of the present status of Sunday closing laws in the United States. Chapter VI will carry this secondary research one step further by

investigating the findings of attitudes of retailers toward Sunday closing laws in each state surveyed and developing certain retailer attitudinal trends.

Now that a general background has been established in the method of approach used in this study and a history and present status of the legislation given, it is desirable to analyze the areas where this study takes place and what effects are determinable by evaluating retailer location.

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## CHAPTER III

### LOCATION OF RETAILERS SURVEYED

#### Introduction

The previous chapters have expressed broad considerations in the historical evolution and present status of Sunday laws throughout the United States. This chapter deals with a specific problem in Sunday selling: the physical location of the retail establishment within the metropolitan area that is open for business on Sunday. The purpose of this chapter is to determine whether retail stores that open on Sunday have any distinct locational differences from stores not open on Sunday.

Locational classifications are used to examine:

1. A general overview
2. The characteristics established in states with and without Sunday closing laws
3. The physical locations of retail stores in selected metropolitan areas
4. The role shopping centers play in the retailer's selection of location and decision to open or close on Sunday
5. The type and location of retailers open on Sunday

#### How Locations Are Classified

Retailers interviewed in this study are classified by central business district, neighborhood, and suburban areas. The central

business district is commonly regarded as the hub of the retail structure and the traditional outlet for shopping and specialty goods stores. Some convenience goods retailers, such as drug and grocery stores, are also found in this district. While the area of the central business district is small in relation to its total metropolitan area, retail sales are expected to be an appreciable part of the sales of the whole retail area, and the central business district is designated as the usual central market place.<sup>1</sup>

It is difficult to differentiate between the central business district and the neighborhood location. Therefore, the Bureau of Census Central Business District reports are followed to designate the central business district for each metropolitan area surveyed.<sup>2</sup> The neighborhood classification originates at the edge of the central business district and extends to the suburbs. Many shopping centers and smaller retail stores selling specialty and convenience items are located in the neighborhood areas.

The suburbs are classified as those areas beyond the corporate limits of the central city. Here retailers are located within suburban communities or in fringe highway locations beyond these communities. Various small central business districts as well as large shopping centers may be found in the suburbs.

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<sup>1</sup>Delbert J. Duncan and Charles F. Phillips, Retailing, Principles and Methods, 5th ed. (Homewood, Illinois: Richard D. Irwin, Inc., 1959), p. 84.

<sup>2</sup>U. S. Bureau of Census, U. S. Census of Business: 1958, Vol. VII, Central Business District Report, (Washington, D. C., 1961). Columbus, BC 58 - CBD 18; Denver, BC 58 - CBD 22; Hartford, BC 58 - CBD 35; Memphis, BC 58 - CBD 45; New Orleans, BC 58 - CBD 54 (Revised); San Antonio, BC 58 - CBD 74; San Jose, BC 58 - CBD 77.



In replying to the mail questionnaires, the majority of the retailers accurately reported their locations under the rigid definitions established, but a few self-classifications do not fall within the exact definition boundaries. However, the slight deviations reported are not significant in changing the results of this study, as the randomness of the sample selection gives no insight into the particular location of any retailer.

#### Subdivision of the Locations

Table 3.1 indicates that 62 percent of the total sample observations come from the neighborhood area. This fact is quite characteristic, as the growth of metropolitan areas stimulates the expansion of retailers. Many convenience stores are essential to the people in neighborhood areas; shopping centers are prevalent; and neighborhood centers are developing from suburban areas.

TABLE 3.1

#### LOCATION WITHIN METROPOLITAN AREAS OF THE TOTAL NUMBER OF RETAILERS INTERVIEWED

<u>Location</u>	<u>Number of Re- Tailers Interviewed</u>	<u>Percent Of Sample</u>
Central Business District	48	8.4
Neighborhood	356	62.2
Suburbs	<u>168</u>	<u>29.4</u>
Total	572	100.0

Source: Primary

Of the remainder of the retailers interviewed, 8 percent are located in central business districts and approximately 30 percent are in the newly developed suburbs.

The department store is usually the key store in the downtown area, and it is the principal type of retail store sampled in the central business district. Yet the study shows a greater concentration of department stores located in the suburbs.

TABLE 3.2

PERCENTAGE RELATIONSHIP  
BY TOTAL TYPE OF RETAIL STORES  
TO THE LOCATION WITHIN METROPOLITAN AREAS

TYPE OF STORE	LOCATION		
	Central Business District	Neighborhood	Suburbs
Department Store	34.1	18.2	47.7
Discount House	5.9	35.3	58.8
Drug Store	9.8	54.1	36.1
Grocery	4.1	71.0	24.9

Source: Primary

While the discount house is identified with the suburban area, other specialty and convenience goods stores are also finding this area profitable for carrying on retailing activities. Table 3.2 shows that department stores, drug stores, and groceries are well represented in the suburbs.

Drug and grocery stores (45.1 and 71 percent respectively) are the predominate neighborhood establishments. Discount houses (35.3 percent) are also significant in neighborhood locations.

Analysis of the sample by metropolitan areas shows that the percentage of retailers found in the central business districts are similar, irrespective of Sunday legislation (8.5 percent with laws, 8.2

percent without laws). Differences exist in the samples of the neighborhood and suburban areas. Table 3.3 indicates that areas with Sunday laws contain a concentration of 68.4 percent of the sample in neighborhood locations and 23.1 percent of the sample in the suburbs. Samples taken in states without laws show a more even percentage relationship between neighborhood and suburban locations--neighborhood, 49.2 percent; suburbs, 42.6 percent.

TABLE 3.3  
PERCENTAGE RELATIONSHIP OF RETAILERS INTERVIEWED  
BY LOCATION IN AREAS  
WITH AND WITHOUT SUNDAY CLOSING LAWS

<u>Location</u>	<u>With Laws</u>	<u>Without Laws</u>
Central Business District	8.5	8.2
Neighborhood	68.4	49.2
Suburbs	23.1	42.6

Source: Primary

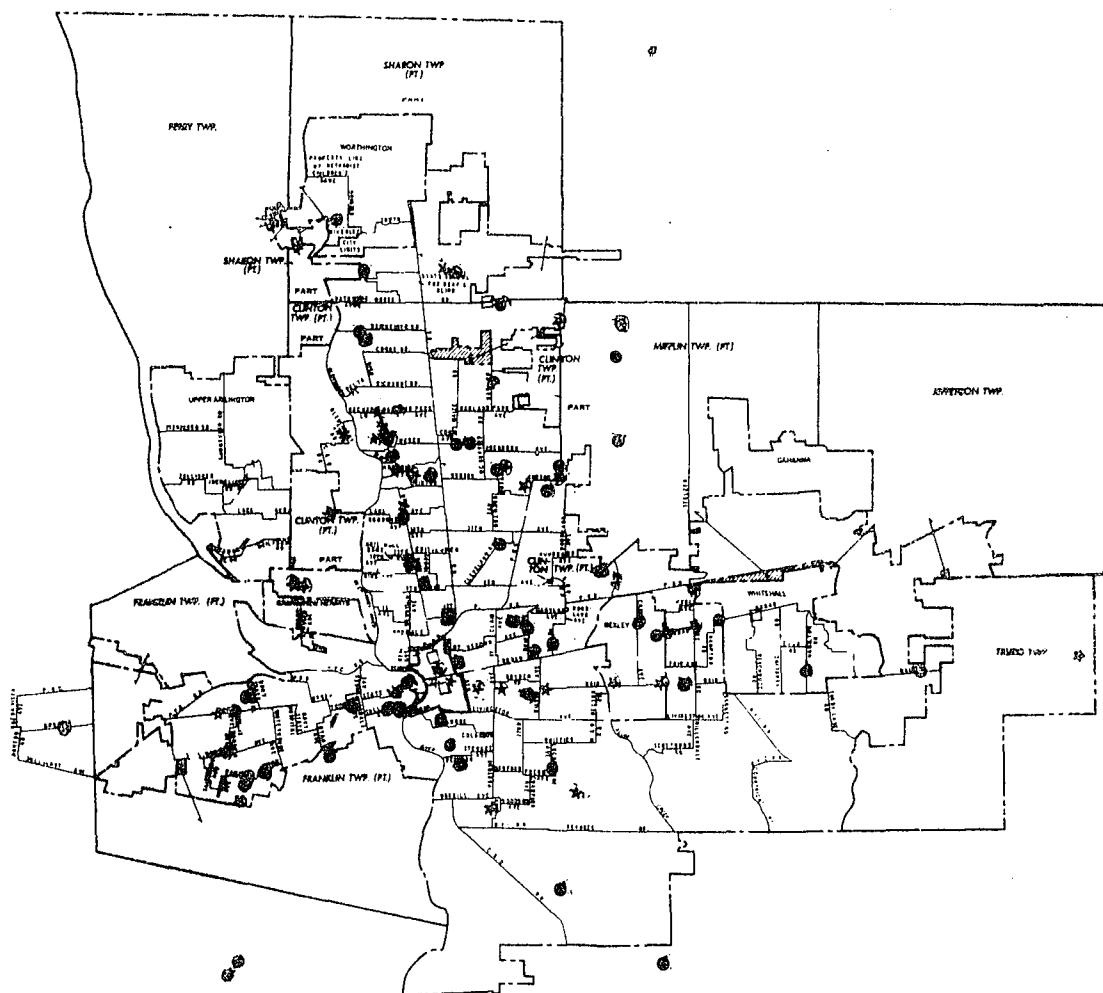
The type of retailer location in each metropolitan area surveyed is illustrated in the following charts.<sup>3</sup> These charts (maps) show the location of each retailer by type within the metropolitan area and give emphasis to the decentralization of retailers.

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<sup>3</sup>These maps provide a quick view of the approximate location of the selected retailers surveyed by metropolitan area. The legend on each map identifies the symbols used to represent department stores, discount houses, drug stores, and grocery stores. The dark lines plot the central business district as defined by the U. S. Bureau of Census. Charts are listed in alphabetical order of the name of the metropolitan areas as follows: Chart 3.1, Columbus; Chart 3.2, Denver; Chart 3.3, Hartford; Chart 3.4, Memphis; Chart 3.5, New Orleans; Chart 3.6, San Antonio; Chart 3.7, San Jose.

CHART 3.1

MAP OF STANDARD METROPOLITAN AREAS  
COLUMBUS, OHIO  
WITH LOCATION OF RETAILERS  
SURVEYED BY TYPE



- Department Store
- ⊞ Discount House
- ★ Drug Store
- Grocery

CHART 3.2

MAP OF STANDARD METROPOLITAN AREAS  
DENVER, COLORADO  
WITH LOCATION OF RETAILERS  
SURVEYED BY TYPE

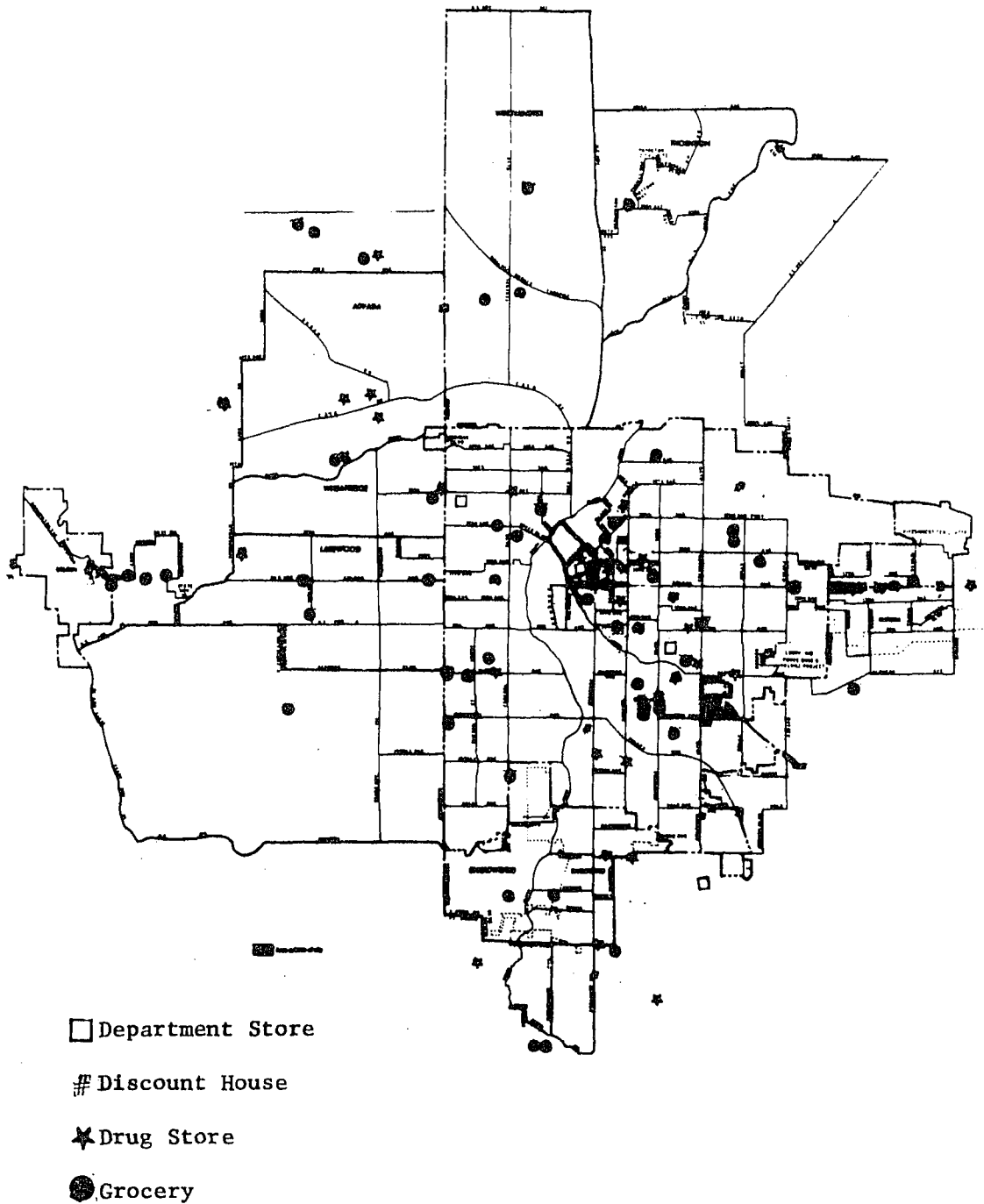
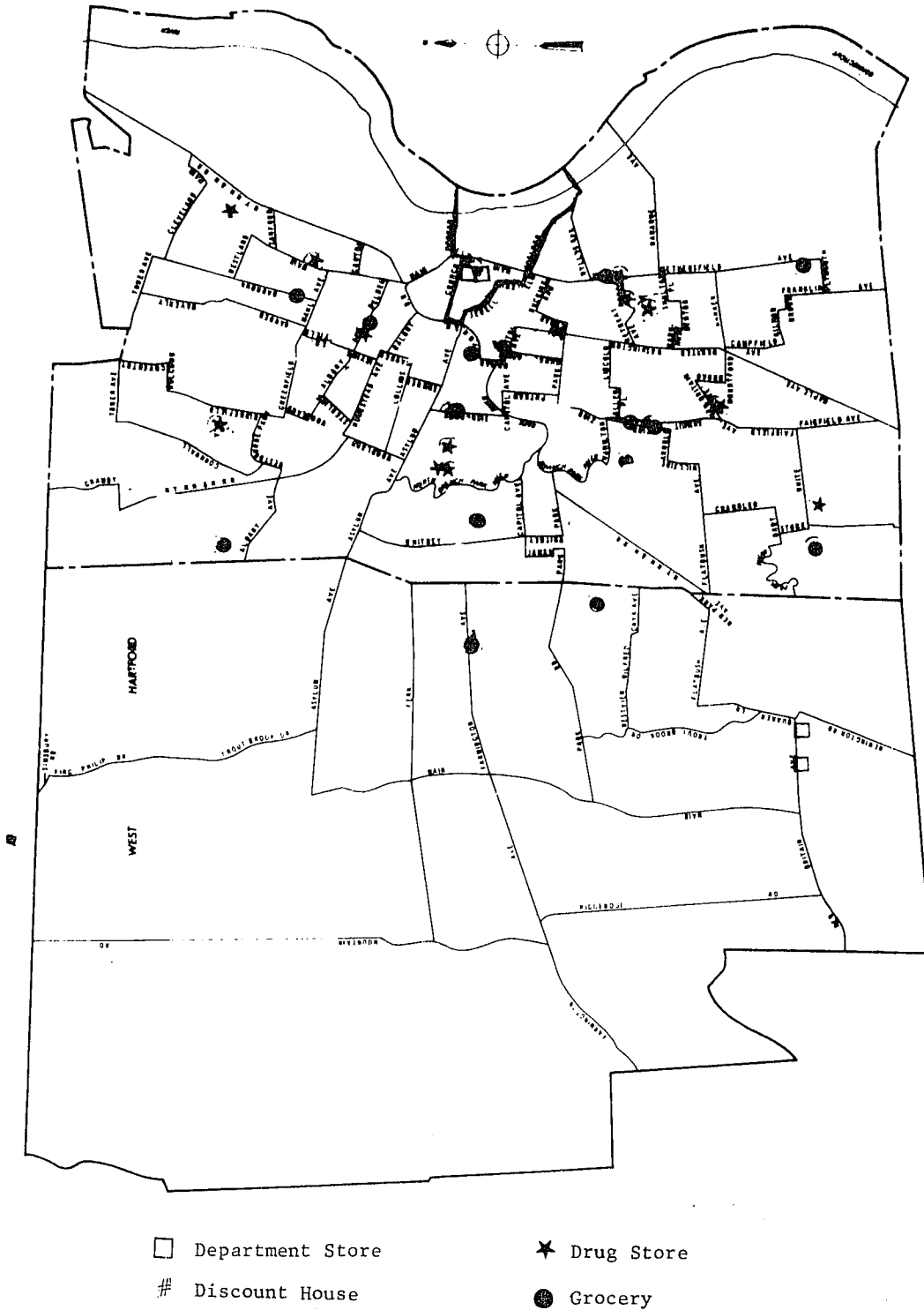


CHART 3.3

MAP OF STANDARD METROPOLITAN AREAS  
HARTFORD, CONNECTICUT  
WITH LOCATION OF RETAILERS  
SURVEYED BY TYPE



## CHART 3.3 (CONTINUED)

MAP OF STANDARD METROPOLITAN AREAS  
HARTFORD, CONNECTICUT  
WITH LOCATION OF RETAILERS  
SURVEYED BY TYPE

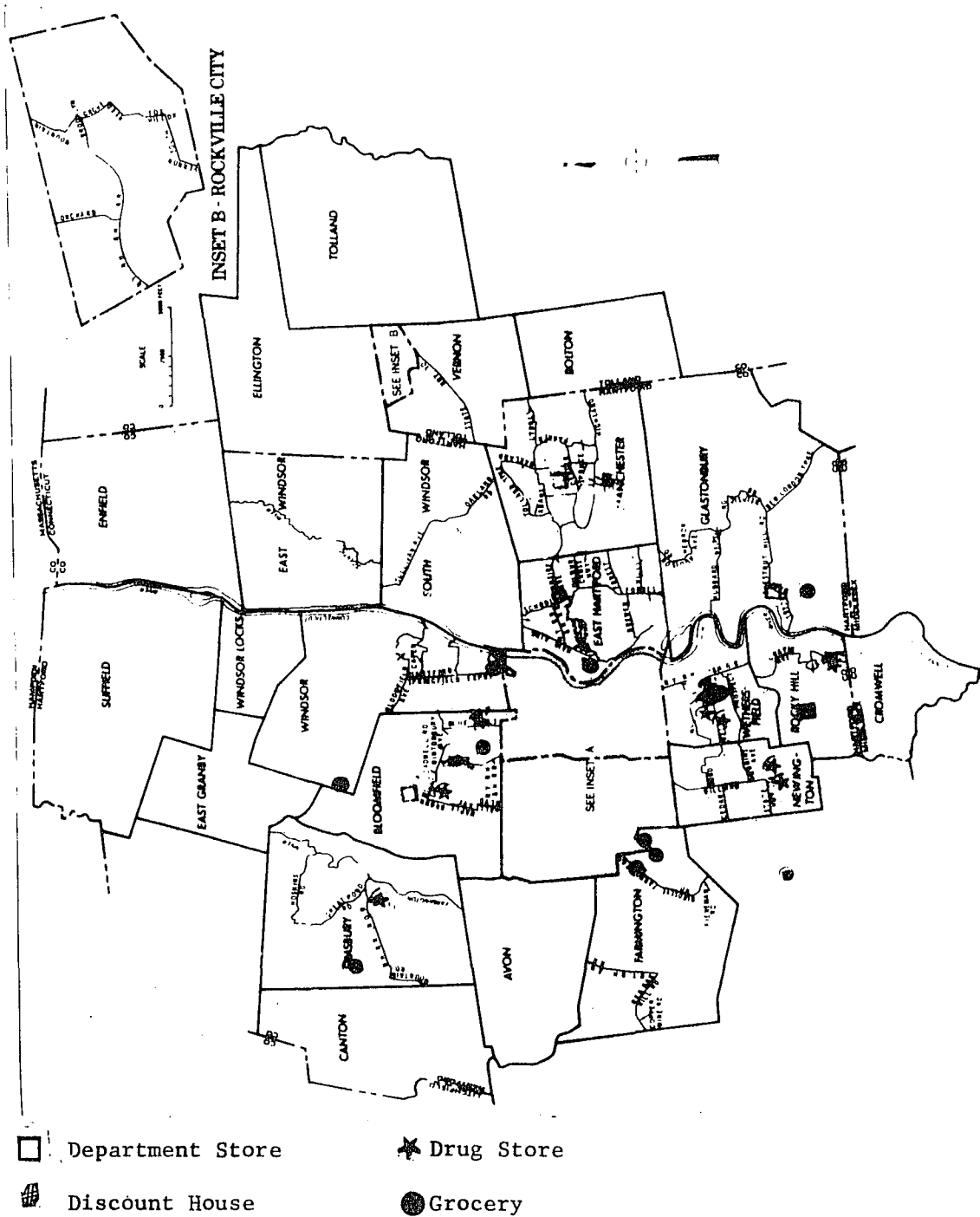


CHART 3.4

MAP OF STANDARD METROPOLITAN AREAS  
MEMPHIS, TENNESSEE  
WITH LOCATION OF RETAILERS  
SURVEYED BY TYPE

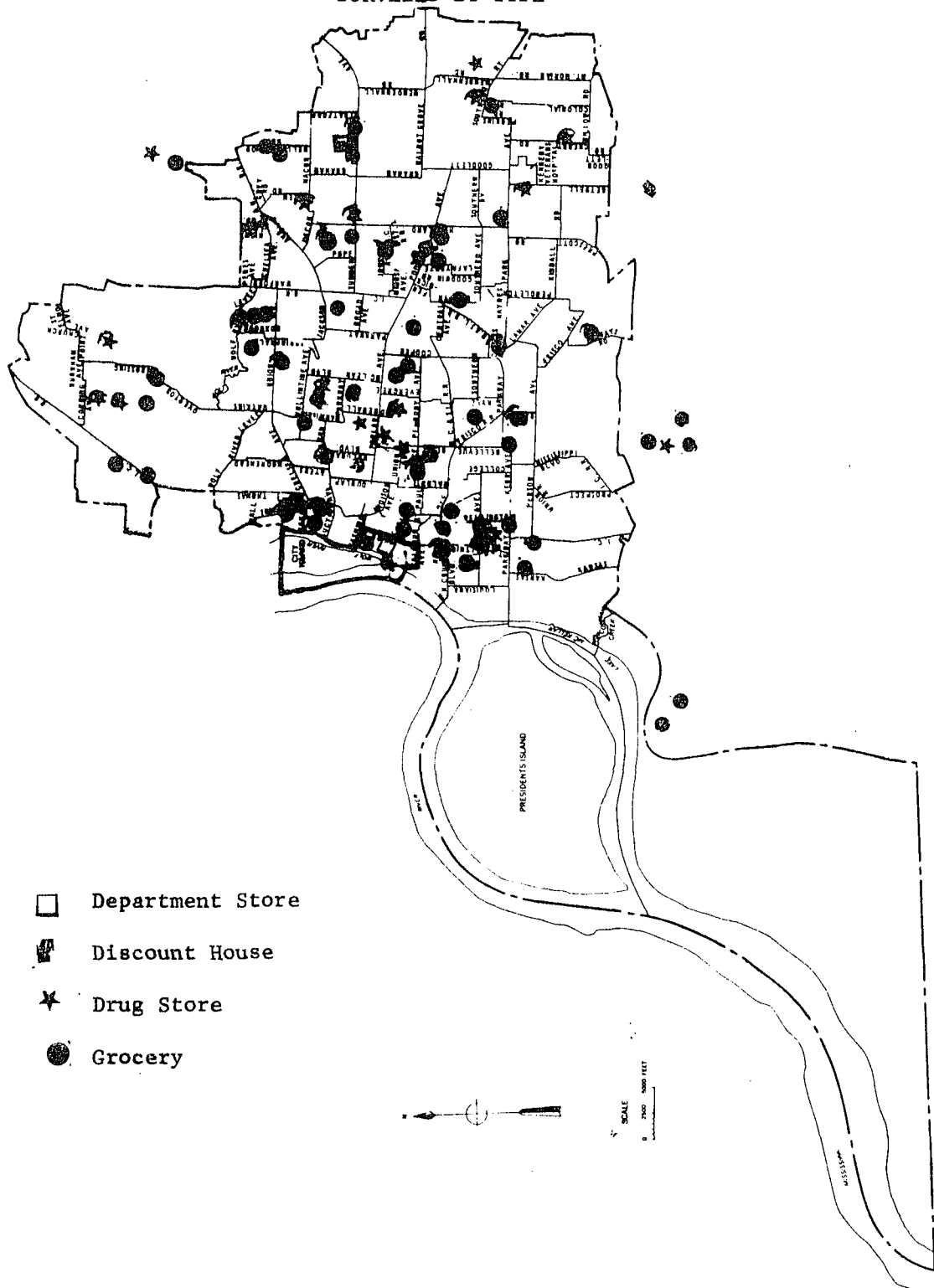




CHART 3.5

MAP OF STANDARD METROPOLITAN AREAS  
NEW ORLEANS, LOUISIANA  
WITH LOCATION OF RETAILERS  
SURVEYED BY TYPE

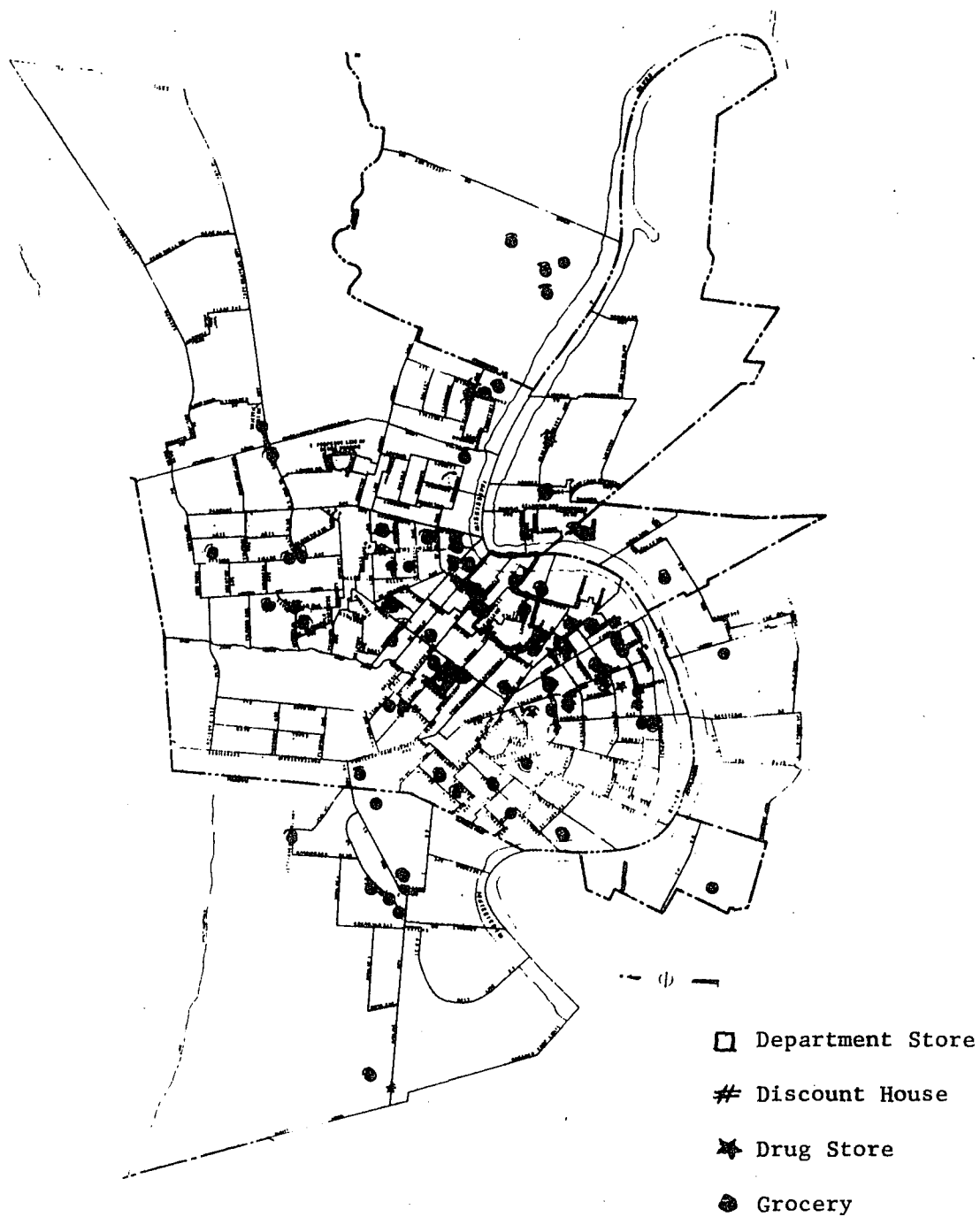
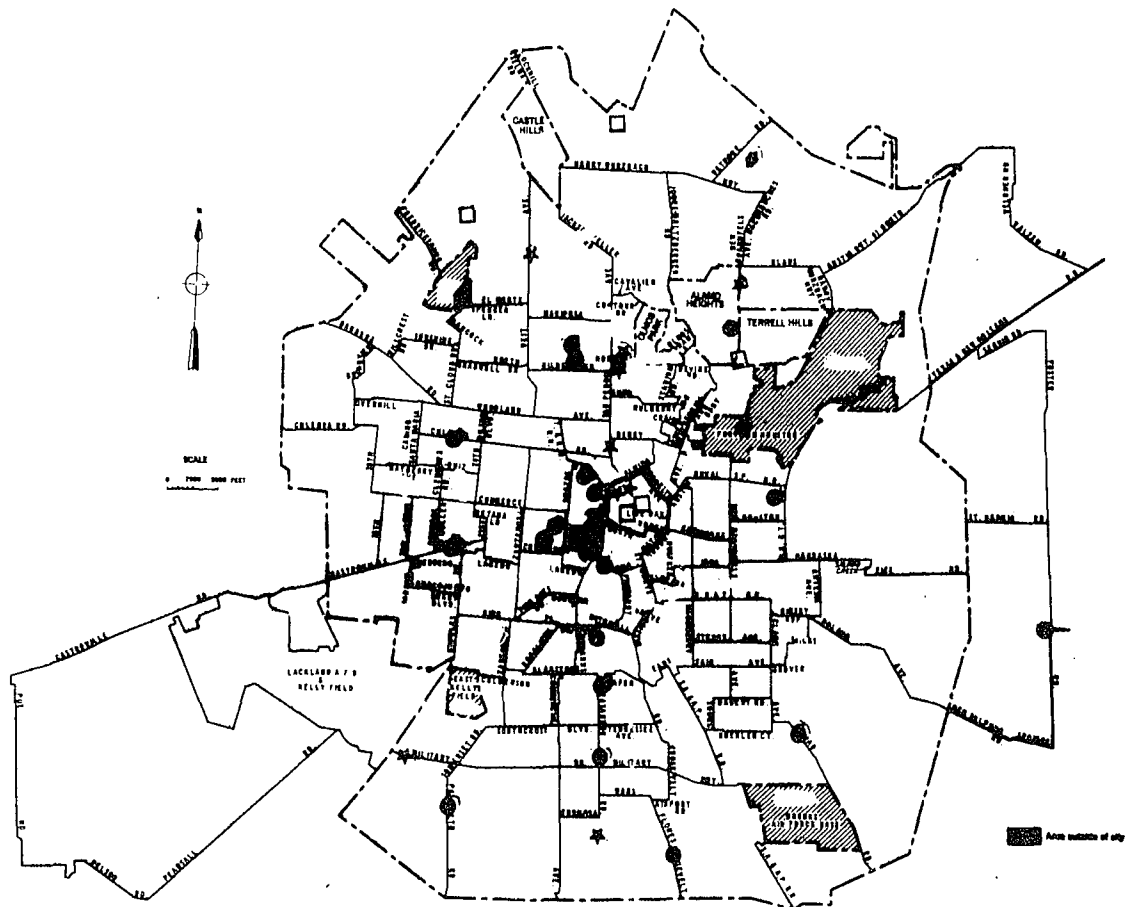


CHART 3.6

MAP OF STANDARD METROPOLITAN AREAS  
 SAN ANTONIO, TEXAS  
 WITH LOCATION OF RETAILERS  
 SURVEYED BY TYPE



- Department Store
- # Discount House
- ★ Drug Store
- Grocery

CHART 3.7

MAP OF STANDARD METROPOLITAN AREAS  
SAN JOSE, CALIFORNIA  
WITH LOCATION OF RETAILERS  
SURVEYED BY TYPE

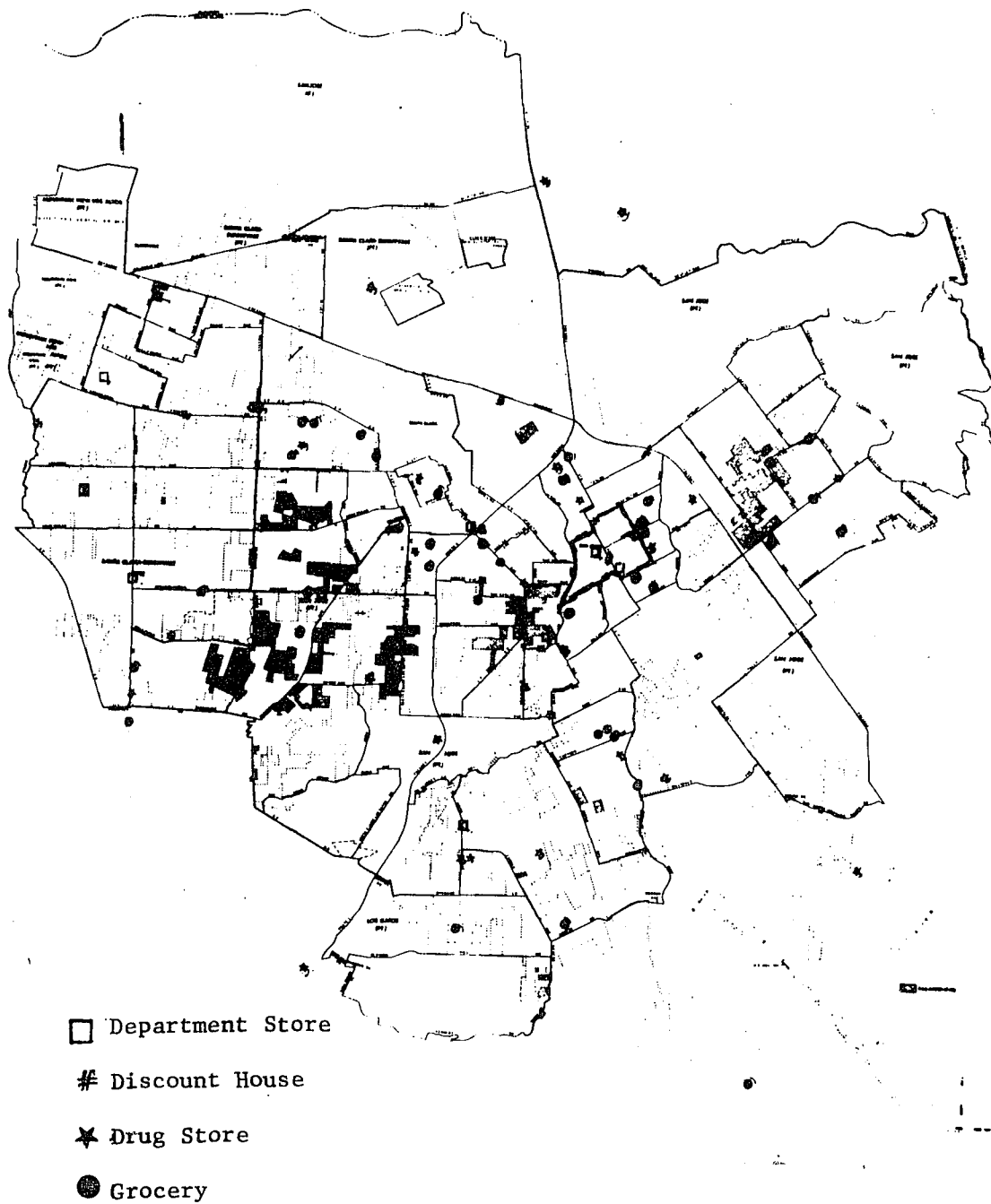


Table 3.4 shows that the largest percentage of stores sampled in metropolitan areas is concentrated in neighborhood locations. Over half of the sampled stores--San Jose (57.8 percent); Columbus (68.4 percent); New Orleans (70 percent); San Antonio (74.4 percent); and Memphis (82.2 percent)--are located in neighborhood areas. The greatest concentration of retail establishments sampled in the suburban area is in Hartford (48.4 percent) and Denver (49 percent). Little sampling concentration exists in the central business district. San Antonio, with 12.8 percent, represents the largest concentration for the central business district.

TABLE 3.4

PERCENTAGE RELATIONSHIP OF RETAILERS INTERVIEWED  
BY LOCATION IN METROPOLITAN AREAS

<u>Metropolitan Area</u>	<u>Central Business District</u>	<u>Neighborhood</u>	<u>Suburb</u>
Columbus	5.1	68.4	26.5
Denver	9.0	42.0	49.0
Hartford	9.7	41.9	48.4
Memphis	8.9	82.2	8.9
New Orleans	9.0	70.0	21.0
San Antonio	12.8	74.4	12.8
San Jose	7.2	57.8	34.9

Source: Primary

The Role of Shopping Centers in Location

Shopping center activities are making a significant imprint on retail operations. As a matter of fact, with the steady growth of the suburbs, shopping center activity may well challenge the central business district for retail dominance.

Only 17.5 percent of the statistics of this study are concerned with shopping centers. The greatest concentration of shopping center statistics is found in the San Jose (38.6 percent) and San Antonio (20.5 percent) areas. Table 3.5 illustrates the breakdown of shopping center locations in the neighborhood and suburban districts for each of the metropolitan areas surveyed. While the volume of observations for shopping center study is small, Table 3.5 suggests an increase in the shopping center movement in the suburbs.

TABLE 3.5  
RETAILERS LOCATED IN SHOPPING CENTERS  
BY METROPOLITAN AREAS

<u>Metropolitan Area</u>	<u>Neighborhood</u>	<u>Suburbs</u>	<u>Percent Of Sample<sup>a</sup></u>
Columbus	4	9	13.3
Denver	6	10	18.0
Hartford	1	10	17.7
Memphis	12	4	17.8
New Orleans	2	0	2.0
San Antonio	5	3	20.5
San Jose	<u>18</u>	<u>15</u>	<u>38.6</u>
Total	48	51	. .

<sup>a</sup>Percentages refer to each metropolitan area; therefore, they total more than 100 percent.

Source: Primary

#### Where Are Stores Open on Sunday?

As this is a study on Sunday selling, it is necessary to examine the locations of stores open on Sunday. The study includes an analysis of:

1. Location of retailers open on Sunday in the aggregate
  - a. By type
  - b. By size
2. Location of retailers open on Sunday by legislative categories
  - a. By type
  - b. By size

3. Impact of location of shopping centers on Sunday selling

The Aggregate Picture of Sunday Openings. Empirical evidence shows that 59.6 percent of the retailers surveyed are open on Sunday. Percentages of retailers surveyed in each locational classification that are open on Sunday are: suburbs, 63.7 percent; neighborhood, 60.4 percent; and central business district, 39.6 percent. These figures support the contention that Sunday openings are more prevalent in locations outside the central business district.

Each type of retail store surveyed shows some evidence of Sunday openings. (See Table 3.6.) Department store Sunday openings considered in this study are restricted to the California area. Discount houses not affected by Sunday legislation are open. Only discount houses in Hartford, Memphis, and New Orleans are closed on Sunday. Medium-sized drug stores (\$100,000 - \$499,999 sales volume) are found in all metropolitan area locations and show an increase in percentage volume for Sunday openings from the central business district to the suburbs. There is greater concentration of Sunday openings among smaller grocery stores (\$ 0 - \$499,999 sales volume) than in the supermarket class (\$500,000 and above) in the central business district, neighborhood and suburban areas; although the supermarket is the most popular type of grocery open on Sunday in the neighborhood area.

TABLE 3.6

PERCENTAGE RELATIONSHIP OF SALES VOLUME  
TO TYPE RETAIL STORES OPENED ON SUNDAY BY LOCATION

ANNUAL SALES VOLUME	CENTRAL BUSINESS DISTRICT				NEIGHBORHOOD				SUBURBS			
	Depart- ment Store	Dis- count House	Drug Store	Gro- cery	Depart- ment Store	Dis- count House	Drug Store	Gro- cery	Depart- ment Store	Dis- count House	Drug Store	Gro- cery
\$0-99,999			10.0	53.4			41.6	56.5			73.0	56.8
\$100,000-499,999			35.0	15.0	25.0		78.0	55.8			95.0	50.0
\$500,000 & Over	12.5	12.5	20.0			45.0	70.0	67.5	22.5	70.0		45.0
Not In Busi- ness Past Year								35.0				10.0

Source: Primary

Sunday Openings in Locations With and Without Sunday Legislation.

When one compares Sunday stores openings under the regimentation of Sunday closing legislation to openings where no legal restrictions exist, it is evident that freedom from such laws makes a difference. Fifty-three percent of the retailers in metropolitan areas covered by legislation are open on Sunday, while 73.8 percent of the retailers not restricted by legislation are open.

Table 3.7 shows that more retailers not affected by Sunday legislation in each locational classification are open on Sunday. In fact, Sunday openings evidence more popularity in the central business district, neighborhood, and suburbs (with a significantly greater percentage of stores open in the central business district) where no legislation exists.

TABLE 3.7

PERCENTAGE OF RETAILERS SURVEYED  
OPEN ON SUNDAY BY LOCATION  
WITH AND WITHOUT SUNDAY LEGISLATION

<u>Location</u>	<u>With Laws</u>	<u>Without Laws</u>
Central Business District	30.3	60.0
Neighborhood	56.4	65.0
Suburbs	51.1	61.0

Source: Primary

A comparison of the types of retail stores surveyed that are open on Sunday discloses that department stores are open only in California, an area completely free from laws. (See Table 3.8.) No department stores are open in areas restricted by legislation. Discount houses covered by legislation are open on Sunday in the Columbus and San Antonio areas as well as in areas not legally covered. Drug



TABLE 3.8  
PERCENTAGE OF  
METROPOLITAN AREA STORES SAMPLED  
OPEN ON SUNDAY  
BY TYPE AND LOCATION

METROPOLITAN AREA	CENTRAL BUSINESS DISTRICT				NEIGHBORHOOD				SUBURBS			
	Depart- ment Store	Dis- count House	Drug Store	Gro- cery	Depart- ment Store	Dis- count House	Drug Store	Gro- cery	Depart- ment Store	Dis- count House	Drug Store	Gro- cery
Columbus			33.3			100.0	75.0	48.6		100.0	87.5	53.3
Hartford			100.0	50.0			76.9	15.4			75.0	10.0
Memphis							80.0	36.1			100.0	71.4
New Orleans			60.0				86.7	67.9			75.0	46.7
San Antonio						100.0	75.0	52.6		100.0	100.0	100.0
Percent for Areas with Laws			36.6	22.0		40.0	78.7	44.1		40.0	87.5	56.0
Denver			50.0	100.0			68.7	66.6	40.0	100.0	100.0	71.4
San Jose	50.0	100.0	50.0	100.0	66.6	100.0	76.5	81.4	33.3	100.0	81.2	100.0
Percent for Areas with- out Laws	25.0	50.0	50.0	100.0	33.3	50.0	72.6	74.0	31.1	100.0	90.6	85.7

Source: Primary

and grocery stores remain open regardless of legal classification, although the percentage of stores open in areas without legislation is generally higher.

Table 3.9 compares the legislative problem by retail store type and location to annual sales volume. It clearly shows that supermarkets (\$500,000 sales volume and over) are more in evidence in the neighborhood and suburban areas without Sunday legislation than all grocery stores in similar locations with legislation. A major difference is noted in small neighborhood drug stores (\$ 0 - 99,999). A smaller percentage of drug stores are open on Sunday in areas not affected by legislation (22.2 percent) than in areas with Sunday closing laws (60.9 percent).

This study indicates that retail stores are more apt to be open on Sunday in areas without Sunday closing laws; also, stores that are open are larger than those found open in legally restricted states. Too, there is evidence of more Sunday business in the central business district, where laws do not prohibit this type of operation. As Table 3.8 substantiates, percentages of stores open on Sunday (whether discount houses, drug stores, or groceries) are expanding in the suburbs over the neighborhood area regardless of whether they are affected by Sunday legislation.

Locational Differentiations in Metropolitan Areas. Certain locational characteristics are noted by judging metropolitan areas individually. Increases in suburban retail Sunday opening activities for neighborhood, discount, drug, and grocery stores exist in Columbus, Memphis, Denver, and San Jose. (See Table 3.8.) More retail Sunday openings are found in the New Orleans neighborhood areas, and there is a similarity in the neighborhood and suburban areas in Hartford.

TABLE 3.9

PERCENTAGE RELATIONSHIP OF SALES VOLUME  
TO TYPE RETAIL STORE BY LOCATION  
WITH AND WITHOUT SUNDAY LAWS

ANNUAL SALES VOLUME	CENTRAL BUSINESS DISTRICT				NEIGHBORHOOD				SUBURBS			
	Depart- ment Store	Dis- count House	Drug Store	Gro- cery	Depart- ment Store	Dis- count House	Drug Store	Gro- cery	Depart- ment Store	Dis- count House	Drug Store	Gro- cery
\$0-99,999												
With Laws			20.0	6.7			60.9	50.4			70.0	44.8
Without Laws				100.0			22.2	62.5			75.0	68.8
\$100,000-499,999												
With Laws			20.0	30.0			88.0	46.0			84.1	64.0
Without Laws			50.0		50.0		67.9	65.6			95.8	36.1
\$500,000 & Over												
With Laws			40.0			40.0	40.0	34.9		40.0	20.0	15.7
Without Laws	25.0	25.0				50.0	100.0	100.0	45.0	100.0		50.0
Not In Busi- ness Past Year												
With Laws								60.0				
Without Laws												

Source: Primary

The volume of returns in the central business district of each metropolitan area is too small to be of significance when analyzing the averages of retailer type and sales volume for these areas. Therefore, the central business district is not discussed in its relationship to the neighborhood and suburban areas.

Shopping Center Sunday Openings. Seventy-five percent of the retailers surveyed in neighborhood shopping centers open on Sunday and 56.8 percent in suburban shopping centers open. The largest number by type of retail establishments open are: drug stores (75 percent), grocery stores (75.6 percent), department stores (9.5 percent), and discount houses (0.1 percent).

Ninety-five and eight-tenths percent of the neighborhood stores and 92 percent of the suburban stores in shopping centers not restricted by legislation are open on Sunday. In states with legislation, 54.1 percent of the neighborhood and 54.5 percent of the suburban stores in shopping centers are open. The lack of legal prohibition supports a greater percentage of Sunday openings of stores in shopping centers.

#### A Review of the Findings

This chapter identifies the physical locations of retailers surveyed within each metropolitan area and examines the type, size, and location of the stores open on Sunday. The following major conclusions are pointed out in this chapter:

1. Most of the statistics used in the study are representative of retailers whose establishments are located in neighborhood districts.
2. The data show an increase in the shopping center movement in the suburbs.

3. The majority of the retailers surveyed in suburban and neighborhood locations are open on Sunday.
4. Where discount houses are allowed to open on Sunday, most of them are open.
5. Lack of Sunday closing legislation in metropolitan areas permits a greater number of Sunday openings by diversified retailers, and the stores open are larger stores. Also, there is more Sunday activity in the central business district and a greater percentage of openings in shopping centers.
6. Sixty-five percent of the stores surveyed located in shopping centers are open on Sunday. More stores in neighborhood shopping centers are open on Sunday than in suburban shopping centers. The drug store is the predominate type of retail establishment located in the shopping center that is open on Sunday.

While this chapter identifies the physical aspects of retailer location, the evaluation does not end the discussion of the importance of location in this study. Location, as a variable, will be used to determine store hours in the next chapter and to analyze retailer opinion questions in Chapters V and VI.

## CHAPTER IV

### STORE HOURS

A common problem of retailers today involves the hours of opening that are necessary for profitable retailing. In this chapter, certain ordinary hours, evening hours, and Sunday hours are ascertained. Still, there exists no academic way for establishing store hours. Certain factors that change store hours are purported to be customer desires, the type of employees retailers can retain, what competition is doing, and an exact look at retailing efficiency.

The truth of the matter is that there is no indicative prospect of homogeneity in establishing store hours. Probably competition's store hours are more illustrative of how other retailers choose their store hours when there is close proximity of establishments. For example, department stores in the central business district, along with other specialty retailers, tend to maintain openings and closings closely related to each other. Shopping centers show aspects of uniformity in hours of the establishments involved. But where locations vary, the aspect of uniformity is lacking. Customers may, or may not, be an important reason for this lack of uniformity.

#### Ordinary Store Hours

One method of common comparison is to evaluate ordinary store hours. The problem here is to determine what is ordinary.

While the term ordinary is difficult to ascertain for store hours, certain comparisons can be made to show hours open by type of

store as well as by location. Typically, the metropolitan areas investigated show department stores in the central business district are open approximately nine hours per day of a usual six-day week.

This point is of interest when relating it to a survey conducted by David J. Luck, Assistant Professor of Marketing at the University of Illinois, which dealt with Store Hours For Shopping Goods Retailers in Illinois.<sup>1</sup> This study observed that stores in downtown Chicago were ordinarily open eight hours per day. This indicates that ordinary store hours in metropolitan areas have been expanded since this initial study took place in 1947.

Little difference exists between the number of hours in areas with or without Sunday closing laws. In other words, from the data gathered, department stores in central business districts tend to be open for approximately the same number of hours regardless of the location of their metropolitan area. From all indications, branch department store hours in the neighborhood and suburban areas are either as long as, or longer than, the department store in the central business district.

The present-day discount house typically found in neighborhood or suburban locations within metropolitan areas suggests longer store hours than identified by department stores. This new type of retailer has attempted to maintain longer store hours to provide for customer convenience and possibly outlast store openings of other considered retail competitors.

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<sup>1</sup>David J. Luck, Store Hours For Shopping Goods Retailers, Bureau of Economic and Business Research Business Study No. 5, University of Illinois (Urbana: By the author, 1947), p. 8.

The ordinary store hours of drug stores continue to be lengthy. In fact, type of location reflects little change in the ordinary length of drug store hours. Lack of locational differences in drug store hours is indicative of this type of retail establishment which must be opened for customer health measures as well as convenience. Longer store hours by competitors undoubtedly have prompted longer store hours for all of these establishments.

An interesting aspect of this study involves the ordinary store hours of grocers. Even for a six-day week, the ordinary hours of stores found in metropolitan areas without Sunday closing laws are longer than their counterparts in metropolitan areas with Sunday closing laws, regardless of location within the area. Grocers<sup>4</sup> not hampered by Sunday legislation feel that longer store hours are necessary for successful business operations.

One of the most unusual findings surmised from particular metropolitan areas is department store openings in the Hartford central business district. Many of these stores operate under a five-day week. Not only are there no Sunday openings, but Monday finds approximately the same type of shopping that would be true on Sunday. This is the only metropolitan area of the study that characterizes retailing in a five-day week. This measure stems from a change of a six-day week to one of a five-day week that took place in 1945 in this area, which is a major reversal from the findings in other sections of the country.

No evidence of uniform opening and closing hours exists in these areas. Department stores typically open at 9:30 A.M. and close between 5:30 and 6:00 P.M., except for usual night openings. Discount houses open between 9:00 and 10:00 A.M. and close between 9:00 and



10:00 P.M. Drug stores open between 7:00 and 10:00 A.M. and close anywhere between 6:00 and 12:00 P.M. Grocers open as early as 7:00 A.M. A.M. in New Orleans, San Antonio, and San Jose, and as late as 9:00 A.M. in Columbus. Usual closing times vary from 6:00 P.M. to 12:00 P.M. Two stores in the survey, a drug store in Memphis and a grocery in Denver, carry on twenty-four hour per day operations.

The significant finding apparent in this analysis is that little uniformity exists between store opening and closing hours of such establishments as drug stores and grocery stores. Evening hours appear to be of greater importance in satisfying customers' needs as will be indicated in the following section dealing with evening openings.

#### Evening Store Hours

The common trend toward more evening openings is supported by the evidence that few retailers are not open any evening. (See Table 4.1.) The basis for identifying evening openings is specified in this study as any time after 6:00 P.M. Only 12 percent of the total stores surveyed are not open any evening after 6:00 P.M. Evening hours of metropolitan areas in states with or without Sunday closing laws are comparatively similar. The sample shows that 82.2 percent of the areas involved with Sunday laws are open six evenings a week compared to 83.1 percent in the areas sampled in states without laws. If there is any difference between these two comparisons, this difference lies in the number of stores open three to five evenings per week; yet even this difference is not significant. Here, 3.3 percent of the areas without laws are open compared to .8 percent of the areas with laws. These examples are the only indication of the prominence of evening

TABLE 4.1  
EVENINGS OPENED BY TYPE STORE FOR TOTAL SAMPLE  
AND FOR AREAS WITH AND WITHOUT  
SUNDAY LEGISLATION

AGGREGATE	6 Even.	3-5 Even.	1-2 Even.	None	Total	Sunday Even.
Dept. Store	16	4	17	7	44	1
Discount House	16			1	17	6
Drug Store	179	3	1	11	194	88
Grocery	<u>260</u>	<u>2</u>	<u>5</u>	<u>49</u>	<u>316</u>	<u>103</u>
Total	471	9	23	68	571	198

WITH LAWS

Dept. Store	11		15	3	29	
Discount House	10			1	11	3
Drug Store	114	1	1	6	122	69
Grocery	<u>184</u>	<u>2</u>	<u>4</u>	<u>36</u>	<u>226</u>	<u>50</u>
Total	319	3	20	46	388	122

WITHOUT LAWS

Dept. Store	5	4	2	4	15	1
Discount House	6				6	3
Drug Store	65	2		5	72	19
Grocery	<u>76</u>	<u>—</u>	<u>1</u>	<u>13</u>	<u>90</u>	<u>53</u>
Total	152	6	3	22	183	76

Source: Primary

hours open having some relationship to Sunday openings, which has been a matter of conjecture by authors in recent years. In the areas without laws, 41.5 percent of the stores are open Sunday evening compared to 31.4 percent open evenings in areas with laws. This is the major indication that stores located in metropolitan areas without laws are open more hours, including evenings, than areas where laws are found.

Usual evening hours of department stores characterize wide differences in the number of evenings open. (See Table 4.2.) In Columbus, all of the department stores sampled open one to two evenings per week. Hartford also finds this number the most popular for their area. This is also true of New Orleans. Memphis, San Antonio, and Denver testify to the popularity of six evening openings. San Jose's department stores report equal popularity of six and three-to-five evening openings. San Jose also represents the only area in which department stores are open on Sunday evenings.

Thursday night is characterized as the one night department stores are opened in all central business districts in each metropolitan area investigated. Department stores are also open on Monday nights in all areas except Hartford. These night openings are the consideration of interest groups' evaluation of ordinary store hours for each community and suggests that retailers across the nation find these evenings of convenience to customers, and supposedly profitable to them; or many open because their competitors do.

Most discount houses are open six evenings per week. This is representative of every metropolitan area of the study. Columbus, San Antonio, Denver, and San Jose find discount houses open even on Sunday evenings.

Most drug stores are also open six evenings per week. Evening

TABLE 4.2  
EVENING HOURS BY TYPE STORE FOR  
SELECTED METROPOLITAN AREAS

DEPARTMENT STORE	6 Even.	3-5 Even.	1-2 Even.	None	Total	Sunday Even.
Columbus			5		5	
Hartford	1		4	2	7	
Memphis	5		2	1	8	
New Orleans	1		3		4	
San Antonio	4		1		5	
Denver	3	1	2	1	7	
San Jose	2	3		3	8	1
Total	16	4	17	7	44	1
DISCOUNT HOUSE						
Columbus	2				2	2
Hartford	2				2	
Memphis	3				3	
New Orleans	1			1	2	
San Antonio	2				2	1
Denver	3				3	1
San Jose	3				3	2
Total	16			1	17	6
DRUG STORE						
Columbus	35	1		3	39	29
Hartford	25			2	27	10
Memphis	22			1	23	16
New Orleans	21				21	9
San Antonio	11		1		12	5
Denver	33			4	37	15
San Jose	32	2		1	35	4
Total	179	3	1	11	194	88
GROCERY						
Columbus	48		1	3	52	23
Hartford	14		1	11	26	1
Memphis	47	1	1	7	56	10
New Orleans	58		1	14	73	9
San Antonio	17	1		1	19	7
Denver	41		1	11	53	25
San Jose	35			2	37	28
Total	260	2	5	49	316	103
TOTALS	471	9	23	68	571*	198

\*One store did not report store hours.

Source: Primary

openings are prevalent for all stores of this type. Only in the metropolitan area of Denver are drug stores reported closed during the evening hours. In Denver, four responses, or a mere 10 percent, of the drug stores are not open any evening per week. The Columbus, Ohio, area has the greatest number of druggists open Sunday evenings. Memphis, Tennessee, evidences wide Sunday evening openings. The least number of Sunday evening openings is found in San Jose which is an interesting finding in that store hours in this area are characteristically longer than other areas in the survey.

Six evening openings per week by grocers is a common practice. In Hartford, Connecticut, 54 percent of grocers sampled are open for this period. Hartford represents the smallest percentage of grocers in the study open for any number of evenings per week. More grocers are open on Sunday evenings in Columbus, Denver, and San Jose, which may identify the shopping convenience afforded to a customer in areas with no Sunday legislation and in an area such as Columbus where the legislation has broken down.

#### Total Store Hours Per Week

Table 4.3 gives the total number of hours per week retailers are in operation by location for the stores surveyed within the selected metropolitan areas. Variations exist in the total store hour week within the locational differences of the metropolitan areas. Median differences in metropolitan areas with Sunday closing laws show the central business district open between  $60\frac{1}{2}$  to 70 hours per week and the neighborhood and suburbs open  $70\frac{1}{2}$  to 80 hours per week. The metropolitan areas without Sunday closing laws show greater median averages, (See Table 4.4.) The central business district is open  $70\frac{1}{2}$

TABLE 4.3  
TOTAL STORE HOURS PER WEEK OF RETAIL ESTABLISHMENTS BY LOCATION  
IN METROPOLITAN AREAS

Hours Per Week	Columbus			Hartford			Memphis			New Orleans			San Antonio			Denver			San Jose		
	Central Business District	Neigh- borhood	Sub- urban	Central Business District	Neigh- borhood	Sub- urban	Central Business District	Neigh- borhood	Sub- urban	Central Business District	Neigh- borhood	Sub- urban	Central Business District	Neigh- borhood	Sub- urban	Central Business District	Neigh- borhood	Sub- urban	Central Business District	Neigh- borhood	Sub- urban
40½-50				1		2	2					2									
50½-60	4	5	4	3	6	5	2	5		1	4	1	2			4	10	5		3	3
60½-70		8	1	1	8	3	2	16	2	3	17	3	3	6	2		6	5	3	8	6
70½-80	1	24	7	2	7	5		27	1	1	28	8		7	1	1	9	7		12	6
80½-90		19	4	3	6	3		8	4	1	15			10		2	9	13	2	8	7
90½-100		16	3		3	2		9	3		6	2		3	1	1	8	4	1	5	2
100½-110		2			2			1		1		1		2	1	1	2	1		1	
110½-120								4	2	1	3	1					1	9		12	2
120½-130							1			1						1					
130½-140																					
140½-150																					
150½-160																					
160½-170																					
No Report							1									1				1	
Total	5	74	19	10	32	20	8	70	12	9	73	18	5	28	5	10	46	44	6	50	26

Source: Primary

TABLE 4.4

TOTAL STORE HOURS PER WEEK OF RETAIL ESTABLISHMENTS  
BY LOCATION WITH AND WITHOUT SUNDAY LAWS

Hours Per Week	Total With Laws			Total Without Laws			Total Aggregate		
	Central Business District	Neighborhood	Suburban	Central Business District	Neighborhood	Suburban	Central Business District	Neighborhood	Suburban
40½-50	3		4				3		4
50½-60	12	20	10	4	13	8	16	33	18
60½-70	9	55	11	3	14	11	12	69	22
70½-80	4	93	22	1	21	13	5	114	35
80½-90	4	58	11	4	17	20	8	75	31
90½-100		37	11	2	13	6	2	50	17
100½-110	1	7	2	1	3	1	2	10	3
110½-120	1	7	3		13	11	1	20	14
120½-130	2			1			3		
130½-140									
140½-150									
150½-160									
160½-170									
No Report	1				2		1	2	
	37	277	74	16	96	70	53	373	144

Source: Primary

to 80 hours per week, as is the neighborhood; and the suburbs show an opening time between  $80\frac{1}{2}$  to 90 hours per week. The aggregate outcome reveals that the average total store hours of retailers in the central business district is less than for retailers located in the other two areas, although retailers in the areas without legislation show clear signs of a longer total store hour week than is found in areas with legislation.

One of the major hypotheses to be tested in this study is that store hours are independent of store location. Table 4.5 provides an analysis for statistical treatment of this hypothesis by the statistical tool of chi square.

The findings indicate that with eight degrees of freedom at a .05 level of significance the hypothesis that store hours are independent of store locations can be rejected. As the chi square number 38.769 is larger than the number specified of 15.507, store location makes some difference in determining the length of store hours. The result of this test confirms that stores outside the central business district tend to stay open more and longer.

An interesting note of historical significance is found in comparing a survey conducted by the Domestic Distribution Department in 1929 with results found in this sample. Information from this earlier survey identifies only two of the areas examined in this study, but the results of these comparisons suggest the movement of usual store hours over this thirty-six year period. Grocery and department stores are the types of stores in which such a comparison can be made. The comparison is between metropolitan areas of Hartford and San Jose. Table 4.6 expresses the total store hours per week that were reported in 1929 as related to this present investigation. The



TABLE 4.5

COMPUTATIONS FOR TESTING THE HYPOTHESIS:  
STORE HOURS ARE INDEPENDENT OF  
STORE LOCATION\*

Hours Open Per Week	LOCATION OF RETAIL ESTABLISHMENTS			Totals
	Central Business District	Neighbor- hood	Suburbs	
	a	b	c	
40.5-60	19	33	22	74
	d	e	f	
60.5-70	12	69	22	103
	g	h	i	
70.5-80	5	114	35	154
	j	k	l	
80.5-90	8	75	31	114
	m	n	o	
90.5 and over	8	80	34	122
Total	52	371	144	567

COMPUTATIONS FOR CHI SQUARE

Cell	$f_o$	$f_e$	$f_o^2$	$f_o^2/f_e$
a	19	6.79	361	53.166
b	33	48.42	1089	22.491
c	22	5.50	484	25.745
d	12	1.10	144	15.238
e	69	44.85	4761	70.638
f	22	5.50	484	18.502
g	5	.45	25	1.771
h	114	74.10	12996	128.967
i	35	8.75	1225	31.322
j	8	.73	64	6.119
k	75	48.75	5625	75.412
l	31	4.75	961	33.195
m	8	.73	64	5.719
n	80	52.00	6400	80.170
o	34	8.50	1156	37.314
	567	567.02	.	605.769

(Continued on next page)

TABLE 4.5 (Continued)

$$\chi^2 = 605.769 - 567 = 38.769$$

\*The basic formula to be used throughout this study for the computation of chi square is  $\chi^2 = \sum \frac{(f_o - f_e)^2}{f_e} = \sum \frac{f_o^2 - 2f_o f_e + f_e^2}{f_e} = \sum \frac{f_o^2}{f_e} - 2 \sum f_o + \sum f_e$ ,  $\sum f_o$  and  $\sum f_e$  are equal to N therefore  $\chi^2 = \sum \frac{f_o^2}{f_e} - N$

where  $\chi^2$  = chi square;  $f_o$  = observed frequency per cell;  $f_e$  = expected frequency per cell;  $\sum$  = sum; N = total observations.

$$df = (r-1) (c-1); df = (5-1) (3-1); df = 4 \cdot 2; df = 8 = 15.507$$

where df = degrees of freedom; r = number of lines; c = number of columns.

Source: Primary

TABLE 4.6

COMPARISON OF 1929 AND 1965 TOTAL STORE HOURS  
FOR GROCERY AND DEPARTMENT STORES  
IN SAN JOSE AND HARTFORD

	<u>1929</u>	<u>1965</u>
<u>San Jose</u>		
Grocery	54	90
Department Store	51	73
<u>Hartford Vicinity</u>		
Grocery	49	65
Department Store	49	45

Source: Chamber of Commerce, Opening and Closing Hours, A Report  
Prepared by the Domestic Distribution Department (Washington:  
Chamber of Commerce, 1930), p. 6 and Primary.

table shows that in 1929 store hours of grocery and department stores were very similar to each other, but the present investigation indicates quite a change. In Hartford, department stores are presently open less because of the five-day week movement, which was cited earlier, and grocers' total store hours have continued to grow. In San Jose growth has been stimulated by both types of retailers. Still a wider gap develops in store hours in San Jose between grocery and department stores, and the total store hours of this area far surpass the total store hours in evidence in the eastern metropolitan area. Comparison of total store hours for stores in San Jose and Hartford shows a possible educational movement which dictates in Hartford that customers must buy within the confines of limited store hours; whereas in San Jose customers have almost unlimited choice of hours in which to do their shopping.

Typically, stores in the metropolitan areas investigated are open an average seventy and one-half to eighty hours per week, with the exception of the Hartford and Denver areas. As described above, Hartford

stores are open an average sixty and one-half to seventy hours per week, which is the smallest average of total hours per week open of any of the metropolitan areas studied, while Denver retailers average eighty and one-half to ninety hours per week openings, which is the largest total.

#### Average Store Hours Per Day

As previously indicated in the section on ordinary store hours, stores selling shopping goods are open fewer hours per day than convenience goods stores. Another interesting factor is that average store hours on Sunday are shorter than other days of the week. Table 4.7 shows a breakdown of average store hours per day for the six-day week and for Sunday by central business district, neighborhood, and suburban locations. The averages by type of store point out that store hours on Sunday are on the average fewer hours than they are for the other days of the week. The table also signifies that the average store hours per day, as well as on Sunday, are longer in the areas without legislation than in the areas with legislation. Again, the average indicates longer Sunday hours for stores located in the neighborhood and suburbs.

Differences do exist between the extremes in store hours over the nation. Table 4.8 examines these differences for each metropolitan area surveyed. As evidenced earlier, many Hartford retailers are concerned with a five-day week. In San Jose, California, department stores are not only open ordinarily one hour more per day than those in Hartford but also extend this practice to a six-day week, and some are open on Sunday for hours varying from five to nine. In each instance of department store Sunday openings, Sunday hours are fewer than the average store hours of the other six days.

TABLE 4.7

AVERAGE DAILY AND SUNDAY STORE HOURS BY LOCATION  
AND TYPE OF STORE FOR METROPOLITAN AREAS  
WITH AND WITHOUT SUNDAY LEGISLATION

	TOTAL WITH LAWS						TOTAL WITHOUT LAWS					
	CENTRAL		NEIGHBORHOOD		SUBURBAN		CENTRAL		NEIGHBORHOOD		SUBURBAN	
	BUSINESS						BUSINESS					
	District	District	District	District	District	District	District	District	District	District	District	District
	Daily	Sunday	Daily	Sunday	Daily	Sunday	Daily	Sunday	Daily	Sunday	Daily	Sunday
DEPT. STORE	9	0	7½	0	8	0	9½	2½	6	4½	10	6
DISCOUNT HOUSE	0	0	7	4	6½	3½	6	4½	4½	3	11	8
DRUG STORE	12	10½	12½	8	13	9½	12	9½	12	9½	12	7
GROCERY	9½	8	11½	9	13½	9	13	12½	12	12	13	12½

Source: Primary

TABLE 4.8  
AVERAGE DAILY AND SUNDAY STORE HOURS BY LOCATION FOR STORE  
TYPE AND SIZE FOR METROPOLITAN AREAS

ANNUAL SALES VOLUME	COLUMBUS						HARTFORD					
	CENTRAL		NEIGHBORHOOD		SUBURBAN		CENTRAL		NEIGHBORHOOD		SUBURBAN	
	BUSINESS						BUSINESS					
	DISTRICT						DISTRICT					
	Daily	Sunday	Daily	Sunday	Daily	Sunday	Daily	Sunday	Daily	Sunday	Daily	Sunday
<u>Dept. Store</u>												
Under \$50,000												
\$50,000-99,999											9	
\$100,000-499,999			8½				9					
\$500,000-999,999												
Over \$1,000,000	9				9		9				9	
<u>Discount House</u>												
\$100,000-499,999											12	
Over \$1,000,000					12	12					12	
<u>Drug Store</u>												
Under \$50,000												
\$50,000-99,999			12	10	14	8	11	9	12	6	10	
\$100,000-499,999	9		13	11	11½	11	12½	8	13	9	13	9
\$500,000-999,999	12	8										
Over \$1,000,000												
No Response												
<u>Grocery</u>												
Under \$50,000			12	7½	12				11	8		
\$50,000-99,999			11½	8			12				10	
\$100,000-499,999			12	11	10		10½	5	10	3	10	
\$500,000-999,999			11	8	11½	7			13	5	12½	
Over \$1,000,000			12½	8	12	9			11		10	
Not In Business												
Past Year									10			
No Response												

Source: Primary

TABLE 4.8 (Continued)

ANNUAL SALES VOLUME	MEMPHIS						NEW ORLEANS					
	CENTRAL		NEIGHBORHOOD		SUBURBAN		CENTRAL		NEIGHBORHOOD		SUBURBAN	
	BUSINESS						BUSINESS					
	DISTRICT						DISTRICT					
	Daily	Sunday	Daily	Sunday	Daily	Sunday	Daily	Sunday	Daily	Sunday	Daily	Sunday
<u>Dept. Store</u>												
Under \$50,000			9									
\$50,000-99,999									9			
\$100,000-499,999	11								9			
\$500,000-999,999							11					
Over \$1,000,000	8		11		11		9					
<u>Discount House</u>												
\$100,000-499,999												
Over \$1,000,000			12								10	
<u>Drug Store</u>												
Under \$50,000									10½			
\$50,000-99,999			11	4½	12	10	11		12½	7	12½	3½
\$100,000-499,999	9		13	9½	13	11			13	9	11½	8
\$500,000-999,999	24	24					12	9			14	14
Over \$1,000,000									14	14		
No Response												
<u>Grocery</u>												
Under \$50,000			12	7			13½	15	12	5	11½	3½
\$50,000-99,999			12	5½			10½		11½	5	13	15½
\$100,000-499,999	14½	18	13	12½	14	14	16	16	12½	7½	14	10
\$500,000-999,999	10		12½	10	14½				10½	4½	10½	4½
Over \$1,000,000			12½		13	17			11½		11½	
Not In Business												
Past Year			14½	11½								
No Response							18	18				

Source: Primary

TABLE 4.8 (Continued)

ANNUAL SALES VOLUME	SAN ANTONIO						DENVER					
	CENTRAL BUSINESS DISTRICT		NEIGHBORHOOD		SUBURBAN		CENTRAL BUSINESS DISTRICT		NEIGHBORHOOD		SUBURBAN	
	Daily	Sunday	Daily	Sunday	Daily	Sunday	Daily	Sunday	Daily	Sunday	Daily	Sunday
<u>Dept. Store</u>												
Under \$50,000												
\$50,000-99,999												
\$100,000-499,999			10½									
\$500,000-999,999											10	6
Over \$1,000,000	9½				11		9				10	
<u>Discount House</u>												
\$100,000-499,999												
Over \$1,000,000			12½	7	11	6					10	7
<u>Drug Store</u>												
Under \$50,000	8½	3	12	6½								
\$50,000-99,999			13	4½			10	10	11	10	13	6
\$100,000-499,999			14	10	15	13	12½	12	14½	10	13	9½
\$500,000-999,999									13½	12		
Over \$1,000,000												
No Response	11											
<u>Grocery</u>												
Under \$50,000			12	4			14	14	11	11	12½	12½
\$50,000-99,999			12½	13					12	13	14	15½
\$100,000-499,999	10		12	9					12	13	14	14
\$500,000-999,999			12	10½					11½	9		
Over \$1,000,000			15	14					12	9	12	
Not In Business												
Past Year					14	14						
No Response			13	13½								

Source: Primary



TABLE 4.8 (Continued)

ANNUAL SALES VOLUME	SAN JOSE					
	CENTRAL BUSINESS		NEIGHBORHOOD		SUBURBAN	
	DISTRICT					
	Daily	Sunday	Daily	Sunday	Daily	Sunday
<u>Dept. Store</u>						
Under \$50,000						
\$50,000-99,999						
\$100,000-499,999			13	9	9½	8
\$500,000-999,999			10½			
Over \$1,000,000	10	5			10	5
<u>Discount House</u>						
\$100,000-499,999						
Over \$1,000,000	12	9	9	6	12	9
<u>Drug Store</u>						
Under \$50,000			11			
\$50,000-99,999			12	5	9½	4
\$100,000-499,999	12½	8	11½	7	12	7½
\$500,000-999,999			12½	11		
Over \$1,000,000						
No Response			9			
<u>Grocery</u>						
Under \$50,000			12½			
\$50,000-99,999	12	11	12½	11		
\$100,000-499,999			14	14	15	13
\$500,000-999,999			11	9	11	11
Over \$1,000,000			17	17	13	12
Not In Business						
Past Year						
No Response						

Source: Primary

Discount houses consistently maintain longer hours in metropolitan areas than their department store competitors. Columbus, Hartford, Memphis, San Antonio, and San Jose all report a typical twelve-hour day. New Orleans and Denver report ten-hour days. The basic differences noted in discount store hour openings are attributed to Sunday store hours. Only the areas of Hartford, Memphis, and New Orleans report no discount house Sunday openings.

Average store hours for drug stores are fairly uniform in all areas surveyed. Only Memphis deviates from other areas as drug store average day openings are thirteen and one-half hours compared to a twelve-hour day found in each of the other areas for the six-day week.

The grocers sampled maintain average store hours ranging from ten hours per day in Hartford to thirteen hours per day in Memphis and Denver. Grocers are ordinarily open eleven and one-half hours per day in Columbus and twelve to twelve and one-half hours per day in New Orleans, San Antonio, and San Jose.

The bulwark of Sunday openings are reported by druggists and grocers. Three cases of average store openings on Sunday show longer hours than the average for the six-day week. In Memphis, both druggists and grocers report an average fourteen-hour Sunday day compared to thirteen and one-half and thirteen-hour days of the regular shopping week. In Denver an average thirteen and one-half hour Sunday is reported compared to an average thirteen-hour six-day week. San Jose characterizes the same average Sunday hours for grocers as is found in regular weekday openings. All other areas reflect fewer average hours open per Sunday by specific types of stores than found in the average hours of the other days of the week.

### Conclusions On Store Hours

Several conclusions may be drawn from this chapter. Support is given to the growth in ordinary daily store hours. While ordinary daily store hours are growing, there is no consistency within metropolitan areas in opening or closing hours for retailers. More uniformity in store hours is evidenced in shopping goods stores competing with each other in similar locations.

Night openings appear to be more and more prevalent. Certain nights of the week appear to be more favorable for store openings than others. Monday and Thursday nights have almost universal appeal.

The hypothesis developed in this chapter proves that store hours are dependent on store location. Further refinement of the collective data supports longer hours for businesses operating in neighborhood and suburban areas.

The average hours of opening per store also agree with the hypothesis. Average store hours are greater in neighborhood and suburban locations than they are in the central business district. Average Sunday store hours are less than those average store hours of the six-day week. Evidence also proves that store hours are longer in areas without Sunday legislation than they are in areas with Sunday legislation.

Historical information also supports the conclusion that store hours are longer; and by comparing the traditional store hour openings of department stores in central business districts to openings of department stores and other type stores in outlying areas, an increase in evening openings is verified (an exception to this finding may be Hartford).

Presently the information analyzed does not support greater Sunday openings. This matter will be considered further in Chapter VI,

but stores prevalently open evenings are the ones open on Sunday, if the opening is permissible.

Common agreement on store hours by specific interest groups is reported to be completely insignificant. This verification in itself suggests that retailers and their interest groups are unwilling, or unable, to handle the problem of store hours.

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CHAPTER V  
MANAGERIAL OPINIONS TOWARD SUNDAY OPENINGS

The previous two chapters develop insights into location of retailers, the hours they keep, and the effects these two factors have on Sunday openings. This chapter deals with retailer opinions on questions pertaining to Sunday openings and approaches used to evaluate these opinions. First, the chapter deals with possible differences in retailer opinions. Consideration is given to differences in opinion between owners and managers as well as between retailers open and closed on Sunday. Second, the chapter analyzes answers to certain questions concerning Sunday openings posed in the questionnaire, such as:

1. Whether he favors Sunday openings
2. Whether he believes more stores are open on Sunday,  
and he will have to resort to or continue his Sunday  
openings
3. Whether he considers the attitudes of his employees to  
Sunday openings

Replies to these questions are analyzed by states with and without Sunday closing laws, and observations are made of interesting variations found in particular metropolitan areas. Variables used to analyze this information are: business classifications, locational subdivisions, and size of establishments (where these variables are significant).

Other parts of the chapter deal with retailer reasons for decisions to remain open or closed on Sunday and retailer opinions on union influence on employee attitudes toward Sunday openings.

#### Comparison of Retailer Opinions

Differences in retailer opinions are examined by determining the correlation between owner versus manager beliefs and by testing the hypothesis concerning opinions of retailers who are open and closed on Sunday.

Opinions of owners versus managers. One means of determining differences in opinions is to compare the beliefs of owners against those of managers. Owners represent 73.8 percent and managers 24 percent of the primary respondents to the questionnaire. (See Appendix, Exhibit 6.) The general views of these two groups are similar. The majority of both groups polled feel Sunday selling is increasing (managers, 55.5 percent; owners, 62.1 percent), but they are not in favor of Sunday selling (managers, 70.1 percent; owners, 67.5 percent), and report that their employees are against Sunday opening (managers, 60.6 percent; owners, 56.2 percent).

Exhibit 6 in the Appendix mathematically breaks down by owner and manager certain opinion questions of the survey. Examination of this exhibit shows little correlation between owner and manager opinions, although a direct relationship exists between the two. Therefore, the use of manager and owner opinions as a variable does not merit further investigation.

Opinions of retailers open or closed on Sunday. Another method of evaluating differences in opinions is to compare questionnaire responses of retailers open on Sunday to those of retailers

closed. A test is made of the hypothesis that there is no difference between the opinions of retailers open on Sunday to opinions of retailers not open. Origin of this hypothetical test stems from Question 6 of the questionnaire: "Do you believe more stores like yours are opening on Sunday?"

An examination of Table 5.1 shows the hypothesis to be invalid. There is a difference of opinion among retailers open and closed on Sunday. The divergence of retailer opinions is substantiated at one degree of freedom and .05 level of significance, as the chi square number of the results (73.688) is larger than the number specified in the chi square table (3.841). Similar results are found by applying the same chi square test to the questions: "Do you feel that you will have to continue or resort to Sunday openings in the future?" and "What is the attitude of your customers toward Sunday openings?" The chi square measurement of opinions of retailers open on Sunday against those closed is more significant for this study.

#### The Significance of Retailer Opinions

This section identifies the responses of retailers to questions which indicate their feelings toward Sunday selling.

Retailer Attitudes toward Sunday Openings. Retailers are not in favor of Sunday openings. Table 5.2 shows that only 31.6 percent of all retailers surveyed report they favor Sunday openings. Opinions of managers favoring Sunday openings when analyzed by areas with Sunday legislation compared to areas without legislation are consistent with the aggregate study. Areas without Sunday laws (36.1 percent) favor Sunday openings over areas with Sunday laws

TABLE 5.1

COMPUTATION FOR THE  
 HYPOTHESIS: THERE IS NO DIFFERENCE BETWEEN THE OPINIONS  
 OF RETAILERS OPEN ON SUNDAY TO OPINIONS OF RETAILERS  
 NOT OPEN ON SUNDAY\*

RETAILERS	YES	NO	TOTAL
Closed	a 103	b 123	226
Opened	c <u>269</u>	d <u>68</u>	<u>337</u>
Total	372	191	563**

\*\* Discounts three "Don't know" and five "No response" answers.

COMPUTATION FOR CHI SQUARES

Cell	fo	fe	fo <sup>2</sup>	fo <sup>2</sup> /fe
a	103	149.3	10609	71.058
b	123	76.7	15129	197.249
c	269	222.7	72361	324.926
d	<u>68</u>	<u>114.3</u>	<u>4624</u>	<u>40.455</u>
Total	563	563.0	. .	633.688

$$\chi^2 = 633.688 - 563 = 73.688$$

\* Developed from question six of the questionnaire which asks,  
 "Do you believe more stores like yours are opening on Sunday?"

Source: Primary



(29.6 percent), but the consensus is still unfavorable to Sunday openings.

TABLE 5.2  
RETAILER ATTITUDES TOWARD SUNDAY OPENINGS  
FOR THE AGGREGATE STUDY  
WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT)

	<u>For</u>	<u>Against</u>
Aggregate	31.6	68.4
With Sunday Laws	29.6	70.4
Without Sunday Laws	36.1	63.9

Source: Primary

Retailer opinions to Sunday openings may also be examined by type of retail establishment. (See Table 5.3.) Only discount house managers (88.2 percent) report they favor Sunday openings. A test is made of a hypothesis that the type of retail business has no effect on the favorable or unfavorable attitudes of managers toward Sunday openings. Using the chi square test with three degrees of freedom and a .05 significance level (7.815), a hypothesis that the type of retail business has no effect on the favorable or unfavorable attitudes of managers toward Sunday openings is rejected (48.028). (See Table 5.4.) Therefore, it is concluded that the type of retail business does not have any effect on the attitudes of managers toward Sunday openings.

In addition, Table 5.3 indicates that department stores (2.3 percent) are not favorably inclined toward Sunday openings. While the other business types surveyed are open on Sunday, their managers do not favor Sunday selling.

TABLE 5.3

RETAILER ATTITUDES TOWARD SUNDAY OPENINGS  
BY TYPE STORE FOR THE AGGREGATE STUDY  
WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT)

	DEPARTMENT STORE		DISCOUNT HOUSE		DRUG STORE		GROCERY	
	<u>For</u>	<u>Against</u>	<u>For</u>	<u>Against</u>	<u>For</u>	<u>Against</u>	<u>For</u>	<u>Against</u>
Aggregate	2.3	97.7	88.2	11.8	38.1	61.9	24.2	75.8
With Laws		100.0	90.9	9.1	45.9	54.1	21.5	78.5
Without Laws	6.7	93.3	83.3	16.7	25.0	75.0	46.7	53.3

Source: Primary

As stated previously, discount houses have been noted (by secondary sources) to support Sunday openings. An examination of Table 5.3 discloses that fewer discount house managers (83.3 percent) in areas without Sunday legislation favor Sunday openings than do discount house managers in areas with laws (90.9 percent). This favorable attitude concerning Sunday openings is noteworthy in that discount houses in areas not restricted by legislation are open on Sunday; yet they show less favorable attitudes than discounters in areas with legislation, some of whom are prohibited from opening.

No department store managers in areas with Sunday restrictions favor Sunday selling, and little evidence of managerial acceptance exists in areas without legislation (6.7 percent). More evidence of approval of Sunday openings is shown by drug store managers in areas with legislation (45.9 percent) and grocery store managers in areas without legislation (46.7 percent). However, respondents of retail stores by type (except for discounters) are not favorable to Sunday openings.

Retailer attitudes by location find more retailers favoring Sunday openings in suburban areas (39.9 percent) than in the central

TABLE 5.3

RETAILER ATTITUDES TOWARD SUNDAY OPENINGS  
BY TYPE STORE FOR THE AGGREGATE STUDY  
WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT)

	DEPARTMENT STORE		DISCOUNT HOUSE		DRUG STORE		GROCERY	
	<u>For</u>	<u>Against</u>	<u>For</u>	<u>Against</u>	<u>For</u>	<u>Against</u>	<u>For</u>	<u>Against</u>
Aggregate	2.3	97.7	88.2	11.8	38.1	61.9	24.2	75.8
With Laws		100.0	90.9	9.1	45.9	54.1	21.5	78.5
Without Laws	6.7	93.3	83.3	16.7	25.0	75.0	46.7	53.3

Source: Primary

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Retailer attitudes by location find more retailers favoring Sunday openings in suburban areas (39.9 percent) than in the central

TABLE 5.4

COMPUTATION OF THE HYPOTHESIS: THAT THE RETAIL TYPE  
OF BUSINESS HAS NO EFFECT ON ATTITUDES OF MANAGERS  
TOWARD SUNDAY OPENINGS

TYPE OF STORE	FOR	AGAINST	TOTAL
	a	b	
Department Store	1	43	44
	c	d	
Discount House	15	2	17
	e	c	
Drug Store	74	118	192
	g	h	
Grocery	91	225	316
	-----	-----	-----
Total	181	388	569

## COMPUTATION FOR CHI SQUARES

Cell	fo	fe	fo <sup>2</sup>	fo <sup>2</sup> /fe
a	1	14.0	1	.071
b	43	30.0	1849	61.633
c	15	5.4	225	41.667
d	2	11.6	4	.345
e	74	61.1	5476	89.624
f	118	130.9	13924	106.371
g	91	100.5	8281	82.398
h	<u>225</u>	<u>215.5</u>	<u>50625</u>	<u>234.919</u>
Total	569	569.0	. .	617.028
$\chi^2 = 617.028 - 569 = 48.028$				
$df = (3) (1) = 3$				

Source: Primary

business district (16.7 percent) and neighborhood area (29.8 percent), as shown in Table 5.5. Yet, a majority opinion of retailers examined by the location variable do not favor Sunday openings.

TABLE 5.5

RETAILER ATTITUDES TOWARD SUNDAY OPENINGS  
BY LOCATION FOR THE AGGREGATE STUDY  
WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT)

	CENTRAL BUSINESS DISTRICT		NEIGHBORHOOD		SUBURBS	
	<u>For</u>	<u>Against</u>	<u>For</u>	<u>Against</u>	<u>For</u>	<u>Against</u>
Aggregate	16.7	83.3	29.8	70.2	39.9	60.1
With Laws	18.2	81.8	28.2	71.8	37.8	62.2
Without Laws	13.3	86.7	34.4	65.6	42.3	59.7

Source: Primary

A further look at managerial opinions toward Sunday openings by location in areas with and without Sunday restrictions shows a similarity to the aggregate study; that is, regardless of legislation, the majority of responses indicate that retailers are unfavorable to Sunday selling (with the exception of discount houses) from the central business district through the suburban area.

Opinions of managers are not affected by the size of the stores. (See Appendix, Exhibit 7.) Managers of stores with annual sales volumes of \$100,000 to \$499,999 (36.4 percent), representing the largest majority of stores sampled by size (56.1 percent), are most favorably inclined toward Sunday openings.

In areas without legislation, the majority of retailers surveyed with annual sales volumes under \$50,000 (61.5 percent) actually favor Sunday openings. The possibility of more competition is strong; so retailers feel they must stay open in order to survive.

Of the retail stores open on Sunday, Table 5.6 indicates that 49.9 percent of the managers favor Sunday openings against 4.8 percent of the managers of stores that are closed. It is interesting to note that half of the managers who are open on Sunday do not favor Sunday openings. The reasons given by retailers for Sunday openings (which are listed later in this chapter) explain the apparent inconsistency of opinions to actions.

TABLE 5.6

RETAILER ATTITUDES TOWARD SUNDAY OPENINGS  
BY RETAILERS OPEN AND CLOSED ON SUNDAY FOR THE AGGREGATE STUDY  
WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT)

	RETAILERS OPEN		RETAILERS CLOSED	
	<u>For</u>	<u>Against</u>	<u>For</u>	<u>Against</u>
Aggregate	49.9	50.1	4.8	95.2
With Laws	51.5	48.5	4.9	95.1
Without Laws	47.4	52.6	4.2	95.8

Source: Primary

Retailers open on Sunday although restricted by legislation (51.5 percent) favor Sunday operations, while retailers not restricted (47.4 percent) also favor Sunday openings. Therefore, opinions of retailers open on Sunday toward Sunday selling are quite similar, regardless of legislation.

In selected metropolitan areas, discounters in each area; drug store managers in New Orleans (55 percent), Columbus (51.3 percent), and Hartford (57.1 percent); and grocers in San Jose (52.8 percent) favor Sunday openings. (See Appendix, Exhibit 8.) However, the majority of retailers surveyed by type of store do not desire to open on Sunday.

Retailer opinion toward more store openings on Sunday and resulting effects. The consensus of retailers surveyed, as shown in Table 5.7, is that 65 percent of the retailers feel that more stores are opening on Sunday, and 60.5 percent believe they will have to resort to or continue Sunday openings in the future.

TABLE 5.7

FAVORABLE RETAILER OPINIONS TOWARD MORE STORE OPENINGS  
AND RESULTING EFFECTS FOR THE AGGREGATE STUDY  
WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT)

	<u>Aggregate</u>	<u>With Laws</u>	<u>Without Laws</u>
More Store Openings	65.0	74.3	60.7
Resort to or Continue	60.5	54.8	72.7

Source: Primary

To further evaluate retailer opinions that more stores are opening on Sunday and that they will have to resort to or continue Sunday openings, a comparison of retailer opinions is made between areas with and without Sunday closing restrictions. The majority of retailers affected by Sunday legislation (60.7 percent) and those without restrictions (74.3 percent) state that more stores are opening on Sunday. Also, 54.8 percent of those restricted by legislation and 72.7 percent of those free of Sunday laws feel they will have to resort to or continue Sunday openings.

The significance of more Sunday openings is considered further by evaluating responses from selected types of retail establishments (department stores, discount houses, drug stores, and groceries) considered indicative of the typical retail market. Scrambled merchandising and changes in the modern retail philosophy bring these retailers closer together. Therefore, their opinions are representative of all

retail views toward Sunday selling. Table 5.8 reveals the majority of retailers from discount houses (76.4 percent), drug stores (57.2 percent), and groceries (75.7 percent) foresee more store openings on Sunday; and majority opinions on whether to resort to or continue Sunday openings by types of retail establishments (discount houses, 64.7 percent; drug stores, 69.5 percent; groceries, 49.8 percent) are similar to the views forecasting more Sunday openings.

TABLE 5.8

FAVORABLE RETAILER OPINIONS TOWARD MORE STORE OPENINGS  
AND RESULTING EFFECTS BY TYPE STORE FOR THE AGGREGATE STUDY  
WITH AND WITHOUT SUNDAY CLOSING LAWS (IN PERCENT)

	<u>Department Store</u>	<u>Discount House</u>	<u>Drug Store</u>	<u>Grocery</u>
More Store Openings				
Aggregate	18.2	76.4	57.2	75.7
With Laws	10.3	45.5	57.3	68.7
Without Laws	33.3	100.0	56.9	93.3
Resort To or Continue				
Aggregate	15.4	64.7	69.5	49.8
With Laws	3.4	72.7	68.1	53.3
Without Laws	40.0	100.0	72.7	76.6

Source: Primary

Department store managers oppose this view. In fact, only 18.2 percent of the department store managers anticipate greater expansion of Sunday openings, and 15.4 percent feel they will resort to or continue Sunday openings in the future. This belief is understandable in view of the fact that most department store managers traditionally oppose Sunday selling.

Reports of retailer opinions by type of retail store are similar to the aggregate findings. Only two exceptions exist:



1. Only 45.5 percent of the discount house managers in areas with laws believe that more stores like theirs are opening on Sunday. Many discounters are located in areas where Sunday openings are impossible. Therefore, they know that their competitors do not open on Sunday; yet 72.7 percent of these respondents state they will resort to or continue Sunday openings.  
(Apparently these discounters are engaged in positive thinking that Sunday restrictions will be removed.)
2. Practically all grocery stores (93.3 percent) in areas not covered by Sunday laws state their belief in more competitor openings. The strong view of grocers is evidence of the growing competition for Sunday business which is found in this type of store.

Table 5.9 discloses answers from retailers located in neighborhood (68 percent) and suburban areas (66.7 percent) equally support the opinions that more stores are opening; although favorable responses from retailers located in the central business district (37.5 percent) fall well below the responses of retailers from the other two areas. A similar percentage of retailers by location say they will have to resort to or continue Sunday openings in the future (central business district, 37.5 percent; neighborhood, 62.1 percent; suburbs, 63.7 percent).

Retailers located in neighborhood and suburban areas state that more stores are opening on Sunday. Manager opinions in suburban areas not affected by legislation show a percentage increase (79.5 percent), while suburban areas with laws record a percentage decrease (55.6 percent) from that of the neighborhood (65.8 percent). Similar opinions are expressed concerning resorting to or continuing Sunday openings

(suburbs without legislation, 75.6 percent; suburbs with legislation, 53.3 percent; neighborhood without legislation, 71.1 percent; neighborhood with legislation, 59 percent).

TABLE 5.9

FAVORABLE RETAILER OPINIONS TOWARD MORE STORE OPENINGS  
AND RESULTING EFFECTS BY LOCATION FOR THE AGGREGATE STUDY  
WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT)

	Central Business <u>District</u>	<u>Neighborhood</u>	<u>Suburbs</u>
More Store Openings			
Aggregate	37.5	68.0	66.7
With Laws	33.3	65.8	55.6
Without Laws	46.7	74.4	79.5
Resort To or Continue			
Aggregate	37.5	62.1	63.7
With Laws	24.2	59.0	53.3
Without Laws	66.7	71.1	75.6

Source: Primary

With the exception of retailers having sales volumes over \$1,000,000, the size of stores does not affect the opinions of retailers toward more Sunday openings (48.8 percent) or decisions to resort to or continue Sunday openings (46.3 percent). (See Appendix, Exhibit 9.)

The majority of retailers closed in areas without Sunday laws (54.2 percent) evidenced in Table 5.10 believe that more stores are opening on Sunday and that more Sunday openings are forthcoming, as legislation does not prohibit store openings. Yet only 16.7 percent of the retailers closed without legislative restrictions believe they will have to resort to or continue Sunday openings. While the above findings appear inconsistent, the point can be made

that although the retailers feel more stores will remain open on Sunday, they do not desire to follow this practice. (See Appendix, Exhibit 10.)

TABLE 5.10

FAVORABLE RETAILER OPINIONS TOWARD MORE STORE OPENINGS  
AND RESULTING EFFECTS BY RETAILERS OPEN OR CLOSED ON SUNDAY  
FOR THE AGGREGATE STUDY  
WITH AND WITHOUT SUNDAY CLOSING LAWS (IN PERCENT)

	<u>Stores Open</u>	<u>Stores Closed</u>
More Store Openings		
Aggregate	78.9	44.6
With Laws	77.2	42.1
Without Laws	81.5	54.2
Resort To or Continue		
Aggregate	90.3	16.5
With Laws	88.8	16.4
Without Laws	92.6	16.7

Source: Primary

Managers of drug stores within the metropolitan areas of New Orleans, Columbus, Hartford, and San Jose report that more Sunday competition is in evidence. (See Appendix, Exhibit 11.) Grocers in New Orleans, San Antonio, Columbus, Memphis, Denver, and San Jose also foresee more Sunday competition.

Retailer Opinion on Employee Attitudes. The general consensus of retailers (see Table 5.11) is that employees do not want to work on Sunday (57.3 percent). Retailers in states with legislation have stronger ideas about employee attitudes (61.2 percent) than retailers in states without Sunday legislation (49.2 percent).

Retailer opinions of employees' attitudes against Sunday openings lessen with the location from which the reporting retailer is found. In the aggregate, retailers in the central business district (77.1 percent), neighborhood (57.3 percent), and suburbs

TABLE 5.11

RETAILER OPINIONS ON EMPLOYEE ATTITUDES\*  
TOWARD SUNDAY OPENINGS FOR THE AGGREGATE STUDY  
WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT)

	<u>For</u>	<u>Against</u>	<u>Neutral</u>
Aggregate	13.3	57.3	24.0
With Laws	10.0	61.2	22.9
Without Laws	20.2	49.2	20.0

\* 5.4 percent of the retailers surveyed have no employees;  
therefore, totals do not equal 100 percent.

Source: Primary

(51.8 percent) report employees disfavor working on Sunday. Similar opinions on employee attitudes are noted by location in areas with and without Sunday legislation. (See Table 5.12.) Retailers feel that their employees are more favorable toward Sunday openings in the neighborhood and suburban areas where more stores are open on Sunday.

TABLE 5.12

RETAILER OPINIONS ON EMPLOYEES' ATTITUDES  
TOWARD SUNDAY OPENINGS BY LOCATION FOR THE AGGREGATE STUDY  
WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT)\*

	CENTRAL BUSINESS DISTRICT			NEIGHBORHOOD			SUBURBS		
	<u>For</u>	<u>Against</u>	<u>Neutral</u>	<u>For</u>	<u>Against</u>	<u>Neutral</u>	<u>For</u>	<u>Against</u>	<u>Neutral</u>
Aggregate	6.3	77.1	16.7	12.4	57.3	23.0	17.3	51.8	28.0
With Laws	3.0	81.8	15.2	9.8	59.0	23.3	13.3	60.0	24.4
Without Laws	13.3	66.7	26.7	20.0	52.2	22.2	21.8	42.3	32.1

\*Some retailers report "no employees," so responses do not equal 100 percent.

Source: Primary

Managers of different types of retail stores also report employees do not want to work on Sunday: department stores (93.2 percent), drug stores (54.6 percent), and grocery stores (56.1 percent). Only discount houses do not feel employees are against Sunday openings, but state a neutral position (64.7 percent), as shown in Table 5.13.

TABLE 5.13

RETAILER OPINIONS ON EMPLOYEES' ATTITUDES  
TOWARD SUNDAY OPENINGS BY TYPE STORE  
FOR THE AGGREGATE STUDY  
WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT) \*

	<u>For</u>	<u>Against</u>	<u>Neutral</u>
Aggregate			
Department Stores	3.3	93.2	4.5
Discount Houses	23.6	11.7	64.7
Drug Stores	8.2	54.6	36.6
Grocery Stores	17.3	56.1	16.7
With Laws			
Department Stores	3.6	89.6	6.8
Discount Houses	9.1	36.4	54.5
Drug Stores	7.4	54.5	36.8
Grocery Stores	10.6	63.4	15.8
Without Laws			
Department Stores		100.0	
Discount Houses		16.7	83.3
Drug Stores	12.8	54.1	36.1
Grocery Stores	33.3	38.9	18.9

\*Responses do not equal 100 percent for each type of store, as some retailers report "no employees."

Source: Primary

Consideration is given to the significance of the aggregate statistics by disclosing similar results for areas with and without Sunday legislation. Retailers with legislation (department stores, 89.6 percent; drug stores, 54.5 percent; and grocery stores, 63.4 percent) report unfavorable attitudes of employees; as do department

stores (100 percent) and drug stores (54.1 percent) in areas without Sunday restrictions. While grocers in areas without legislation feel their employees do not want Sunday openings, it is not a majority opinion (38.9 percent), and they report 33.3 percent of their employees are in favor of Sunday openings. A possible reason for grocers' opinions is that unionization is evidenced in areas without laws, making possible greater monetary rewards for the employees' Sunday work. Discount managers again report neutrality (with legislation, 54.5 percent; without, 83.3 percent). In areas without restrictions, the discount managers do not state any opinions of employees' favoring openings, although they all open on Sunday.

Table 5.14 reveals that no retail managers open on Sunday report employee attitudes favorable to Sunday openings. Like discounters, they plead neutrality (aggregate, 34.6 percent; with Sunday legislation, 35.4 percent; without legislation, 33.3 percent). The significance of this neutrality may be that retailers open on Sunday do not know or care whether or not their employees desire to work (and they must work) or that moonlighters are hired for this Sunday work.

Discounters in San Antonio, 50 percent; Hartford, 50 percent; and Memphis, 66.7 percent, report employees' attitudes favorable to Sunday openings; however, of this group discount houses are found open only in San Antonio. (This may indicate discount houses are desirous of opening on Sunday.) San Jose grocers (54.3 percent) also report their employees favor Sunday openings. (See Appendix, Exhibit 12.)

From the above, it can be concluded that retailers feel their employees do not wish to work on Sunday.

TABLE 5.14

RETAILER OPINION ON EMPLOYEE ATTITUDES TOWARD SUNDAY OPENINGS  
BY STORES OPEN AND CLOSED ON SUNDAY FOR THE AGGREGATE STUDY  
WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT)\*

	OPEN SUNDAYS			CLOSED SUNDAYS		
	<u>For</u>	<u>Against</u>	<u>Neutral</u>	<u>For</u>	<u>Against</u>	<u>Neutral</u>
Aggregate	21.1	37.8	34.6	1.7	86.1	8.2
With Laws	17.0	39.8	35.4	2.2	85.2	8.7
Without Laws	27.4	34.8	33.3		89.6	6.3

\*Responses do not equal 100 percent for each category of "open" and "closed," as some retailers report "no employees."

Source: Primary

#### Reasons for Sunday Openings or Closings

How will retailers react to Sunday openings or closings in the future? This open-end question is used to withdraw from retailers their inward opinions of Sunday selling. The question is probed by asking why or why not the retailer feels he will resort to or continue Sunday openings in the future. Table 5.15 supplies the reasons given for Sunday openings and closings by type of business. Major reasons stated for Sunday openings principally involve the demands by customers or competition. Both of these reasons are reported by all retailers, regardless of whether or not they are regulated by closing laws. In other words, retailers use these two reasons as the principal indicators of why they sell on Sunday. Lack of demand is the principal reason for opposing Sunday openings in areas both with and without legal jurisdiction. Still quite indicative of reasons for closing are the typical religious statements and the need for a day of rest.

TABLE 5.15

REASONS GIVEN FOR SUNDAY OPENINGS AND CLOSINGS BY TYPE BUSINESS  
CONSIDERED BY TOTAL AND WITH OR WITHOUT SUNDAY LEGISLATION

WHY OPEN	WITH LAWS					WITHOUT LAWS					AGGREGATE <sup>d</sup>				
	DS <sup>a</sup>	DH <sup>b</sup>	DS <sup>c</sup>	G <sup>d</sup>	Total	DS <sup>a</sup>	DH <sup>b</sup>	DS <sup>c</sup>	G <sup>d</sup>	Total	DS <sup>a</sup>	DH <sup>b</sup>	DS <sup>c</sup>	G <sup>d</sup>	Total
Customer Demand		4	47	35	86	4	2	17	34	57	4	6	64	69	143
Competition	1	1	17	48	67	2		23	28	53	3	1	40	76	120
Meet Expenses			7	19	26			5	2	7			12	21	33
Habit			1	2	3				1	1			1	3	4
No Law Enforcement			1	2	3								1	2	3
Open - Undecided								1		1			1		1
Maintain Sales Volume						2				2		2			2
Lease Demands It								1		1			1		1
Not Educated to Law				2	2									2	2
No Comment		1	10	11	22		2	3	7	12		3	12	18	34
Total	1	6	83	119	209	6	6	50	72	134	7	12	133	191	343
WHY CLOSED															
No Demand	2		9	12	23	2		4	1	7	4		13	13	30
Religion				18	18	1			3	4	1			21	22
Day of Rest	1		4	15	20	1		2	5	8	2		6	20	28
Enough Business	2		1	8	11			1		1	2		2	8	12
Not Profitable			3	6	9	1		2	1	4	1		5	7	13
Shortage of Help			1		1								1		1
Management Policy				1	1									1	1
Location			2	1	3				1	1			2	2	4
Reputation	2			1	3			1		1	2		1	1	4
Law Prohibits	4	2		2	8						4	2		2	8
No Comment	17	3	19	37	76	4	12		7	23	21	3	31	44	99
Total	28	5	39	101	173	9	12	10	18	49	37	5	61	119	222
<sup>a</sup> Department Store <sup>b</sup> Discount House <sup>c</sup> Drug Store <sup>d</sup> Grocery															

Source: Primary



The study shows another interesting factor for analysis. Of the total survey, 59.6 percent of the businesses are open on Sunday, yet 60 percent state they will continue or resort to Sunday openings. Moreover, only 31.6 percent of the sample state they are in favor of opening on Sunday. A comparison can be drawn from these figures between reactions of businesses inside and outside the confines of Sunday-selling laws. Of the retailers in areas without laws, 73.8 percent of those sampled report that they are open on Sundays; yet only 72.7 percent feel they will resort to or continue openings in the future, implying slight indication of a desire to close. Advocates of Sunday legislation in metropolitan areas appear to be composed of retailer groups not desirous of opening or of permitting others to open on Sunday. Therefore, legislation has been stimulated to meet their desires. As a result, where more stores are actually open, there now emerges the possibility that stores open on Sunday really do not favor Sunday opening and do not want to be open. But no legislation prohibits their opening, so they have no excuse to be closed. Only 31.6 percent of these retailers favor Sunday openings.

Almost the same picture is drawn by retailers within the limits of Sunday laws. Fifty-three percent of the retailers are open, and 54.8 percent state they will resort to or continue Sunday openings. Still these retailers, like those not regulated by legislation, are not in favor of Sunday openings (70.4 percent). (See Table 5.2.)

One of the major sources of concern in this analysis is the retailer's failure to comment on why he desires to be open or closed on Sunday, especially in department stores. While department store

managers generally answered the question, approximately half did not comment on their reason for wishing to be closed. But department stores are not alone. Other business types also did not comment on why they may desire to be open or closed. Possibly the respondents felt that answering the question with a direct "yes" or "no" is conclusive enough explanation of the question.

#### Influence of Unions on Employee Attitudes

A question often posed is: "How important is the union's control of member employees toward influencing retailers to open or not to open on Sunday?" Only 13.6 percent of the retailers interviewed are involved with unions. This is a small representation. More unionism is evident in areas which do not have Sunday closing laws. Yet more of the businesses in these areas tend to be open on Sunday. While it is true that unions are able to bargain for better wages in these stores open on Sunday, they are not prohibiting stores desiring to do so from opening.

A comment received from a Denver grocer is as follows:

"In 1960, the chain supers began opening on Sunday. Before then, we used a union contract to keep them closed, but the passage of the Landrum-Griffith Bill said we could not, as unions, dictate operating policy to management."

This comment suggests that employees, through the representation of the unions, have some effect on keeping grocers closed on Sunday in the Denver area. Such a power might be stronger in preventing large-scale retailers from opening on Sunday than even Sunday legislation, if this is representative of a significant tendency of unions throughout the United States.

This investigation shows no unions are involved in retailing activities in Hartford and New Orleans. Table 5.16 represents the

number of unions found in each of the metropolitan areas. The San Jose area is typified as the major area of unionism -- the area which shows the greatest expansion of Sunday openings. Paying double-time wages for Sunday work does not deter San Jose stores from opening on Sunday; therefore, Sunday business must be highly competitive, or Sunday business is felt profitable by San Jose retailers. Unionism is evident in each type business in this area.

TABLE 5.16  
VARIOUS TYPES OF RETAILER UNIONS IN EVIDENCE  
IN SELECTED METROPOLITAN AREAS  
BY BUSINESS TYPE

	<u>Retail Clerks Unions</u>	<u>Clothier Retailer Unions</u>	<u>Meat Cutter Unions</u>	<u>Total</u>
Columbus				
Drug Store	4			4
Grocery	1			1
Denver				
Discount House	2			2
Grocery	7		3	10
Memphis				
Grocery	7		9	16
San Antonio				
Discount House		1		1
San Jose				
Department Store	2			2
Discount House	1			1
Drug Store	6			6
Grocery	<u>13</u>	—	<u>2</u>	<u>15</u>
Total	43	1	14	58

Source: Primary

Memphis, the area encompassed by Sunday legislation, shows unionism prevalent in the grocery field. Unions are also represented in discount houses in Denver and San Antonio, as well as San Jose.

Yet the survey shows little impact of the union movement in retailing.

#### Summary of the Findings on Attitudes

In review, the salient factors discussed in this chapter are these:

Tests of the hypotheses that are stated in this chapter indicate that the type of business does have an effect on the attitudes of retailers toward Sunday openings, and differences do exist between the opinions of retailers open and closed on Sunday. It is noticed that department stores are generally against any type of Sunday selling. Only discount houses actually favor Sunday openings. Another interesting fact is that smaller-sized stores have more favorable attitudes toward Sunday openings than any of the others sampled. Possibly Sunday selling is predominately an economic necessity of smaller stores.

Owners and managers do not favor Sunday openings. This is a personal preference, and they do not believe employees are desirous of Sunday work. These factors are also of importance in evaluating the future of Sunday selling.

Location is a problem in evaluating attitudes of retailers toward Sunday opening. It is found that more favorable attitudes toward Sunday selling are evident in neighborhood and suburban areas than are observed within central business districts.

Retailers do not believe that employees want to work on Sunday. Even retailers open on Sunday show little evidence that employees desire to work on this day. Paramount reasons given for Sunday openings involve customer demand and competition; while lack of demand is the major reason for Sunday closings. These reasons

are considered in the light of attempting to discover from retailers whether or not they desire to, or might actually be forced into, Sunday openings in the future.

This chapter propounds a few questions which presently remain unanswerable; yet the questions are "food for thought." Are retailers hiding behind Sunday legislation rather than facing their Sunday problems in the open? Are interest groups actually accomplishing the tasks they purport to do? Do interest groups, such as retail merchants associations and chambers of commerce, actually evaluate what is good for the particular community; that is, what is good for the customer and what is good for the retailer? What is the feeling of the customers and retailers in the community toward Sunday selling?

It is also noted in this chapter that unions are not widespread enough in retailing to have much effect on Sunday openings. The chapter shows that widespread unionism is only in effect in the San Jose area, and this is identified as the area with the greatest amount of Sunday openings per type of store. Thus, it may be inferred that unionism is actually stimulating rather than deterring Sunday openings.

All of the above factors considered in this chapter are important in analyzing and clarifying the problems of Sunday retailing.

Now it is necessary to look to the customer--the actual purchaser of goods--and to analyze his desires from the standpoint of retailer opinions. Also, it is necessary to consider the future of Sunday openings. Just what will Sunday openings lead to? Is it an important problem, or is it a passing fancy that has received

a great deal of discussion? An evaluation of these factors is considered in the next chapter.

## CHAPTER VI

### RETAILERS' IMPRESSIONS OF CONSUMER DEMAND AND TRENDS TOWARD OR AWAY FROM SUNDAY OPENINGS

Several facets of managerial opinions toward Sunday openings have been observed in the previous chapter and in Chapter IV, which examined the movement toward changes in store hours and evening and Sunday openings. This chapter deals with the influence of customer desires and demands on Sunday selling.

When do customers desire to shop? Little formal study has yet been developed in this area. In fact, the magnitude of the task of asking customers what they desire and relating their replies to their actual desires necessitates greater expansion in marketing research. Significant elements for study in this chapter involve determination of what makes customers willing to buy and retailers willing to sell on Sunday.

Do retailers expand their businesses by remaining open on Sunday? Are the average sales per customer of significant size to warrant store openings? Are total Sunday sales large enough to justify opening? Is there more family buying on Sunday? How prevalent are Sunday telephone orders, or how significant is side-door retailing to store managers not willing to open on Sunday yet willing to satisfy customer desires by taking telephone orders when customers are ready to buy? Answers to these questions assist in determining customer preference for Sunday openings.

The chapter also considers changes in the picture of Sunday selling which have occurred over the past few years, specifically from 1960 through 1964. Analysis is made of the sales that are occurring on Sunday; the relationship of Sunday sales to the size of the retail stores; retailers' knowledge of Sunday closing laws, impressions of these laws, attitudes as to whether or not Sunday closing laws have any effect on their sales, and opinions of retailers toward their competitors' compliance with Sunday closing laws. Conclusions drawn from these empirical findings are considered essential in determining the future of Sunday selling.

#### Retailers' Attitudes Toward Consumer Demand

As the time and cost of sampling customers personally are prohibitive for this study, the next best method is to ask retailers about customers so as to determine customer demand for Sunday openings.

A look at consumer demand. Probably one of the main justifications for expanding retail store hours is to make shopping easier. If one is to follow the concept that "the customer is king," then retailers should be open for the convenience of the customer instead of the convenience of the retailer. The study shows that 46.3 percent of the retailers feel that customers are in favor of Sunday openings. Another 36.2 percent feel that customer attitudes are neutral to these openings, while 16.6 percent are of the opinion that customers are against Sunday opening. This fact is significant, as 40.4 percent of the retailers surveyed are actually closed on Sunday. Yet, the attitudes reported by retailers suggest some similarity to whether the retailer is



open or closed on Sunday. Retailers open on Sunday state that customers favor Sunday openings (67.7 percent); while retailers who close specify a lesser degree of customer desire for opening (14.7 percent), as shown in Chart 6.1. The reverse is also true for the opinions given by retailers against Sunday opening. Of the retailers closed, 39.4 percent feel customers are against Sunday opening, compared to 1.3 percent of retailers who are open.

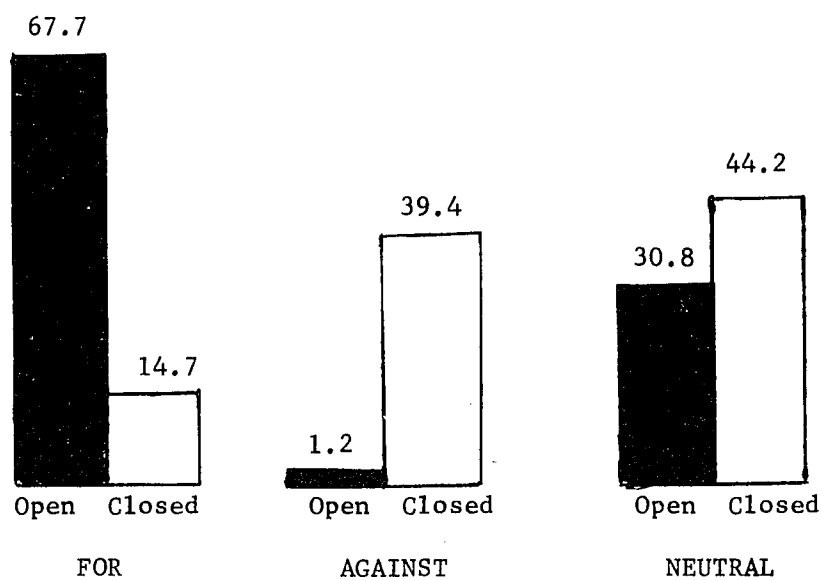
Retailers' opinions of customer neutrality toward Sunday opening is significant in analyzing customer desire for Sunday opening. Retailers who are closed give more emphasis to neutral customer attitudes (44.2 percent) than they do to attitudes of customers opposed to Sunday opening (39.4 percent). The reported neutrality in customers' attitudes holds the key to future Sunday openings or closings.

To further support the significance of customer attitudes, it is feasible to test this hypothesis: There is no difference between customer attitudes toward Sunday opening in areas with and without Sunday closing laws. Table 6.1 shows the statistical test of this hypothesis. The result of the computation of the chi square is 10.044. The 10.044 is much greater than the 3.841 specified for one degree of freedom at .05 level of significance. The computation rejects the null hypothesis.

Customers in areas without Sunday closing laws are more favorable to Sunday openings than customers in areas with laws. Chart 6.1 and Table 6.2 substantiate the belief that customers are in favor of or neutral to Sunday openings, but these opinions do not conclude that customers are against Sunday openings.

CHART 6.1

RETAILER OPINIONS OF CUSTOMER ATTITUDES  
TOWARD SUNDAY OPENINGS BY RETAILERS  
OPEN OR CLOSED ON SUNDAY (IN PERCENT)



Source: Primary

TABLE 6.1

COMPUTATION OF HYPOTHESIS: THERE IS NO DIFFERENCE  
BETWEEN CUSTOMER ATTITUDES TOWARD SUNDAY OPENINGS  
IN AREAS WITH AND WITHOUT SUNDAY CLOSING LAWS

RETAILER OPINIONS OF CUSTOMER ATTITUDES	WITH LAWS	WITHOUT LAWS	TOTAL
	a	b	
Neutral	137	70	207
	c	d	
Against	78	17	95
	e	f	
For	<u>171</u>	<u>94</u>	<u>265</u>
Total	386	181	567

## COMPUTATIONS FOR CHI SQUARE

Cell	fo	fe	fo <sup>2</sup>	fo <sup>2</sup> /fe
a	137	140.9	18739	133.208
b	70	66.1	4900	74.130
c	78	64.7	6084	94.034
d	17	30.3	289	9.538
e	171	180.4	29241	162.090
f	<u>94</u>	<u>84.6</u>	<u>8836</u>	<u>104.044</u>
Total	567	567.0	. .	577.044

$$\chi^2 = 577.044 - 567 = 10.044$$

Source: Primary

TABLE 6.2

RETAILER OPINIONS OF CUSTOMER ATTITUDES TO  
SUNDAY OPENINGS BY LOCATION (IN PERCENT)

<u>Location</u>	<u>Neutral</u>	<u>Against</u>	<u>For</u>
Central Business District	35.4	29.2	33.3
Neighborhood	38.8	14.9	45.5
Suburbs	31.0	16.7	51.8

Source: Primary

Retailers located in suburban areas report more favorable customer attitudes toward Sunday selling than do retailers in the central business district and neighborhood areas. (See Table 6.2.) Suburban retailers in Memphis (50 percent), New Orleans (61.9 percent), San Antonio (60 percent), and San Jose (63.3 percent) reflect this favorable opinion of customers' attitudes toward Sunday opening. (See Appendix, Exhibit 13.)

Retailers' opinions on attitudes of customers toward Sunday opening are likewise considered by store classification. Department store retailers in San Jose feel customers desire Sunday openings. Favorable customer attitudes are also reported by discount house managers in New Orleans, San Antonio, Hartford, Memphis, and San Jose; drug stores in New Orleans, San Antonio, Columbus, Hartford, and San Jose, and grocery stores in New Orleans and San Jose. The diversity of the types of retail stores that report favorable attitudes of customers toward Sunday openings indicates customer acceptance of Sunday selling.

Average sale per Sunday customer. The questionnaire sent to retailers open on Sunday asks: "How does the average sale

per customer on Sunday compare with the average sale on the other days of the week?" Alternatives given are: "the same," "lower," and "higher." Thirty-seven and two-tenths percent of the retail stores open on Sunday state they have a lower average sale per customer. Table 6.3 reveals that 29.6 percent of the retailers report higher-than-average sales on Sunday, and 33.2 percent indicate the same average sales.

TABLE 6.3

RETAILER OPINIONS OF AVERAGE SALE PER CUSTOMER ON SUNDAY  
FOR THE AGGREGATE BY AREAS WITH AND WITHOUT  
SUNDAY LEGISLATION (BY PERCENT)

	<u>Same</u>	<u>Lower</u>	<u>Higher</u>	<u>No Response</u>
Aggregate	33.2	37.2	29.6	
With Laws	35.0	36.4	28.2	0.4
Without Laws	29.6	38.5	31.9	

Source: Primary

Reports of retailers open on Sunday in areas with and without restrictions substantiate the lower average sale per customer. In fact, the average sale on Sunday in areas without legislation (38.5 percent) is lower than the aggregate figure (37.2) and less than the percentage stated by retailers in areas with legislation (36.4 percent).

While there is indication of lower-than-average Sunday sales per customer, this is not conclusive evidence that the total retail sales on Sunday are lower than those of other weekdays. For example:

1. Although retailers report a lower average sale per customer on Sunday, this does not mean that the

retailers do not have more customers on Sunday;  
and, therefore, a higher sales volume.

2. Although the highest percentage of retailers consistently reveals an average sale per customer lower than on other days of the week, this is not a majority opinion. Of the retailers surveyed, 62.4 percent report the same (33.2) or higher (29.6) percentage per Sunday customer.

The study shows that drug store managers (56.6 percent) disclose the lowest average sale per customer, particularly druggists (54.5 percent) located in the neighborhood area.<sup>1</sup> Grocers (59.5 percent) in the suburbs indicate a higher average sale per customer. In areas without laws, suburban grocers (72.7 percent) reveal a greater increase. The majority of grocers with annual sales volumes of \$50,000 and up believe their average sale per customer is higher on Sunday; whereas the majority of druggists with yearly sales volumes from \$50,000 to \$999,999 reveal a lower-than-average sale per customer. Of the department stores open on Sunday, 66.7 percent of the managers consider their average sale per customer similar to weekday sales.

Opinions of discounters (33.3 percent each) are equally split among the following: the same, higher-, and lower-than-average sale per customer. Suburban discounters in areas without laws (66.7 percent) state the average Sunday sale per customer is lower than on

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<sup>1</sup>For tabular analysis of retailer opinions by type of store regarding average sale per customer on Sunday (in areas with and without legislation) by location and sales volume, see the Appendix, Exhibits 14 and 15.

other days of the week, while 33.3 percent report the same average Sunday sale per customer as on other weekdays. Discount house managers in areas with restrictions (100 percent) specify a higher-than-average sale per customer. The varying opinions of discounters suggest that those in areas without legislation have more extensive competition. (Retailers are free to open on Sunday if they desire to do so.) In areas with legislation, the law itself -- regardless of its strength and enforcement -- makes retailers hesitant to open.

The majority of drug store managers in the selected metropolitan areas of Hartford (62.5 percent), Memphis (55.6 percent) San Antonio (57.1 percent), Denver (62.1 percent), and San Jose (74.1 percent) have a lower-than-average Sunday sale per customer as shown in the Appendix, Exhibit 16. Grocers in Memphis (57.1 percent), Denver (65.6 percent), and San Jose (53.1 percent) reveal a higher average sale per customer on Sunday; as do discount houses in Columbus (100 percent), department stores (100 percent) and discount houses (66.7 percent) in Denver. The majority of Hartford grocers (75 percent) and San Jose department store managers (100 percent) feel that the average sale per customer on Sunday is the same as on other days of the week.

Family purchases on Sunday. Several recent publications have stated that more family purchasing is transacted on Sunday than on other weekdays.<sup>2</sup> The truth of this statement cannot be

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<sup>2</sup>"Sunday Retailing: Agency Study Forecasts Its Future," Printers' Ink, Vol. 278 (March 30, 1962), p. 60, and "The Sunday Drivers Become Big Market," op. cit., p. 62 are two examples of this contention.

fully supported by this study. Of the retailers open on Sunday (see Table 6.4), only 43.4 percent believe there are more family purchases on Sunday. Retailers open in areas with laws report a 49.6 percent increase in family purchases, while retailers in areas without laws report a percentage increase of 39.3. Therefore, there appears to be little indication of more family shopping on Sunday.

TABLE 6.4

RETAILER OPINION OF MORE FAMILY PURCHASES  
ON SUNDAY THAN OTHER WEEKDAYS FOR THE AGGREGATE STUDY  
WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT)

	<u>Yes</u>	<u>No</u>	<u>No Response</u>
Aggregate	43.4	55.7	0.9
With Laws	39.3	59.2	1.5
Without Laws	49.6	50.4	

Source: Primary

Only managers of discount stores (80 percent) believe there are more family purchases on Sunday than on other days of the week. (See Table 6.5.) The opinions of discount store managers toward family purchases are conclusive in stores with (100 percent) and without (66.7 percent) Sunday legislation. Grocers (61.2 percent) and department store managers (66.7 percent) in areas not restricted by legislation believe there are more Sunday family purchases, but the same retailers in areas with laws do not support these findings.

Suburban retailers open on Sunday (50.5 percent) suggest some agreement to more family purchases on Sunday, especially in areas without laws (57.4 percent), while the 41.3 percent of



TABLE 6.5

RETAILER OPINION OF MORE FAMILY PURCHASES ON SUNDAY  
 THAN OTHER WEEKDAYS FOR THE AGGREGATE STUDY  
 WITH AND WITHOUT SUNDAY LEGISLATION  
 BY TYPE OF STORE (IN PERCENT)

	Department Store		Discount House		Drug Store		Grocery	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
Aggregate	66.7	33.3	80.0	20.0	34.2	65.8	49.1	50.9
With Laws			100.0		35.4	64.6	41.3	58.7
Without Laws	66.7	33.3	66.7	33.3	32.1	67.9	61.2	38.8

Source: Primary

retailers open in suburban areas with restrictions is greater than the 37.2 percent shown by retailers in the neighborhood. (See Table 6.6.)

TABLE 6.6

RETAILER OPINION OF MORE FAMILY PURCHASES ON SUNDAY  
 THAN OTHER WEEKDAYS FOR THE AGGREGATE STUDY BY LOCATION  
 WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT)

	Central Business District		Neighborhood		Suburbs	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
Aggregate	42.1	57.9	40.4	59.6	50.5	49.5
With Laws	50.0	50.0	37.2	62.8	41.3	58.7
Without Laws	33.3	66.7	44.6	55.4	57.4	42.6

Source: Primary

As shown in Table 6.7, larger stores have more family purchases on Sunday than on other weekdays. Retailers with annual sales volumes of \$500,000 to \$999,999 (55 percent) and retailers with yearly sales volumes over \$1,000,000 (57.1 percent) are of the opinion that more family shopping takes place on Sunday than on

other weekdays -- a logical conclusion, since larger stores (which provide broader merchandise offerings) normally attract more family shoppers.

In areas not restricted by Sunday legislation, managers of stores with annual sales volumes over \$1,000,000 report more family purchasing (61.5 percent). In areas with laws, the majority of retailers with yearly sales volumes from \$100,000 to \$499,999 (53 percent), \$500,000 to \$999,999 (75 percent), and over \$1,000,000 (53.3 percent) believe there are more family purchases.

TABLE 6.7

RETAILER OPINION OF MORE FAMILY PURCHASES ON SUNDAY  
THAN OTHER WEEKDAYS FOR THE AGGREGATE STUDY BY ANNUAL SALES  
VOLUME WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT)

<u>Annual Sales Volume</u>	<u>Aggregate</u>		<u>With Laws</u>		<u>Without Laws</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
Under 50,000	20.0	80.0	34.4	65.6	20.0	80.0
50,000 - 99,999	33.5	66.5	34.3	65.7	33.5	66.5
100,000 - 499,999	44.7	55.3	38.3	61.7	44.7	55.3
500,000 - 999,999	55.0	45.0	41.7	58.3	55.0	45.0
Over 1,000,000	57.1	42.9	61.5	38.5	57.1	42.9
Not in Business Past Year	66.7	33.3	66.7	33.3	66.7	33.3
No Response	100.0				100.0	

Source: Primary

In selected metropolitan areas, managers of discount houses reveal greater family purchases on Sunday in every area in which they are open (Columbus, San Antonio, and San Jose) with the exception of discount houses in Denver (33.3 percent) as shown in the Appendix, Exhibit 17. Managers of drug stores in Columbus (66.7 percent) and

grocers in Denver (60 percent) and San Jose (62 percent) also report more family purchases, as do suburban retailers in Columbus (61.9 percent), San Antonio (100 percent), Denver (56.8 percent), and San Jose (59.3 percent).

Sunday telephone sales. Sunday telephone orders are not widely used as a means of side-door retailing for managers who do not wish to open on Sunday, yet are desirous of more business. Only 1.2 percent of all stores sampled and 6.1 percent of the retailers closed on Sunday use telephone orders as a sales device. (See Appendix, Exhibit 18.)

Stores in areas without Sunday legislation have increased their use of telephone orders from 6.3 percent of the stores closed in 1960 through 1962 to 10.4 percent in 1964. Stores located in areas restricted by legislation show no change in the use of Sunday telephone orders from 1960 through 1964 (4.9 percent). All stores reveal that telephone sales orders amount to less than five percent of their total weekly sales.

#### Trends in Sunday Selling and Legislation

The remainder of this chapter considers the amount of Sunday sales occurring in the stores sampled, with particular emphasis on the analysis of these sales in areas with and without Sunday legislation. Some attention is devoted to the fluctuations of Sunday selling for the years 1960-1964. Little evidence of established trends can be gained from viewing Sunday operations over a four-year period. However, it is felt that these particular four years are of strategic importance to Sunday retailing because the United States Supreme Court decisions of 1961 placed the responsibility

for controlling Sunday selling activities in the hands of each state, and the following three years have evidenced changes in state legislation, judicial interpretation of legislation, enforcement of legislation, and many reports of retailer Sunday selling activities.

Also considered are retailers' knowledge of Sunday closing laws, attitudes toward the effects of these laws on their sales, and attitudes toward whether or not their competitors are complying with Sunday restrictions. Finally, analysis is made of retailers' impressions of Sunday closing laws.

Sales occurring on Sunday. There has been an increase in the number of stores opening on Sunday since 1960 (1960-1962, 6.2 percent increase; 1962-1964, 10.1 percent increase; 1960-1964, 17.6 percent increase).

The questionnaire establishes approximate percentages of total weekly sales which occur on Sunday in the years 1960, 1962, and 1964. The information gathered under the four-year period is used to indicate fluctuations in Sunday sales.

The following percentage intervals are used to analyze Sunday sales:

1. Under 9 percent: below-average sales
2. 10-19 percent: typical sales<sup>3</sup>
3. Over 20 percent: better-than-average sales

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<sup>3</sup> Assuming equal sales per day for a seven-day week, the average sale per day would fall between the 10-14 and 15-19 percentage intervals used in this study. Therefore, the average Sunday sale falls between the range of 10-19 percent. The sample evidences more concentration in the 10-14 than the 15-19 percentage interval, but the average falls between these (14.3 percent).

While this study assumes that sales are equal on all days of the week, most retailers experience larger sales volumes on certain weekdays. Therefore, some inconsistency may exist between this study and actual practice.

Results obtained from the 1964 figures disclose that 51.3 percent of the retailers report Sunday sales typical to those of other days of the week. Only 12.8 percent note better-than-average sales, while 29.6 percent specify below-average sales. "No response" is the reply of 6.2 percent of the retailers, some of whom were not in business in 1964 and others who were unwilling to answer the questionnaire.

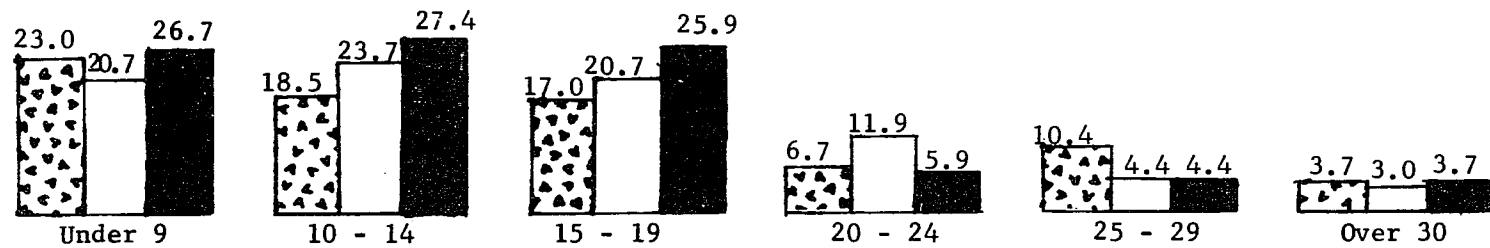
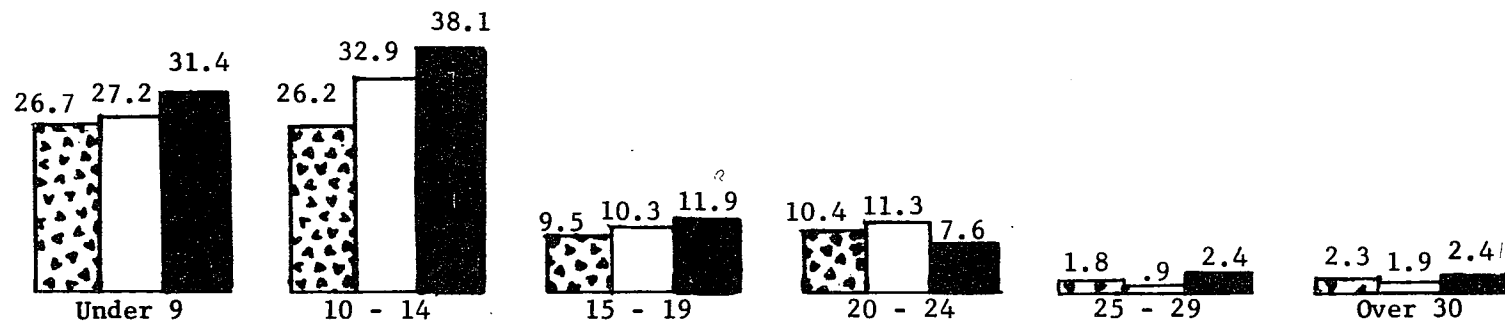
Chart 6.2 shows fluctuations of Sunday sales by stores with and without Sunday closing laws for the years 1960-1964. Areas with Sunday legislation reveal an increase of Sunday sales which is less than nine percent of weekly sales. The same is true when comparing the 10-14 percent intervals. In fact, the percentage reported in 1964 for retailers without Sunday restrictions within the 10-14 percent interval (27.4 percent) is approximately the point of origin reported by retailers with laws (26.2 percent) in 1960.

The 15-19 percent interval shows a steady increase from 17 percent in 1960 to 25.9 percent in 1964 in areas without Sunday restrictions, while retailers in areas with restrictions show a slight increase from 1960 (9.5 percent) to 1964 (11.9 percent).

There has been a decline in the number of retailers in areas both with and without Sunday legislation who state that 20 to 24 percent of their total weekly sales occur on Sunday. The year 1962 is the high point for this interval. Sunday business in the interval over 24 percent is rather small, as this accounts for only

CHART 6.2

PERCENTAGES OF TOTAL WEEKLY SALES OCCURRING ON SUNDAY  
IN AREAS WITH AND WITHOUT SUNDAY CLOSING LAWS  
1960, 1962, 1964



 1960  
 1962  
 1964

Source: Primary

8.1 percent of the stores open in areas without legislation and 4.8 percent of the stores in areas with legislation.

The study shows that the majority of sales occurring on Sunday are somewhat typical of sales occurring on other days of the week. There is evidence of fewer above-average Sunday sales compared to week-day sales.

Further evaluation of Sunday sales findings is accomplished by observing retailer reports of changes in intervals from 1960 through 1964 by type of retail store, as shown in Table 6.8. Most retailers (62.5 percent) indicate that their approximate Sunday sales are stable over the four-year period. (The percentage interval reported in 1960 is the same interval reported for 1962 and 1964 as shown in question 5 of the questionnaire, Appendix, Exhibit 4.)

TABLE 6.8  
PERCENTAGE CHANGE OF SUNDAY SALES BY TYPE  
OF RETAIL STORE  
1960-1964

	<u>Department Store</u>	<u>Discount House</u>	<u>Drug Store</u>	<u>Grocery</u>	<u>Aggregate</u>
Increase	33.3		5.8	7.5	11.7
Stable	66.7	70.0	70.7	58.6	66.5
Decrease		20.0	9.3	12.6	10.5
New			11.1	15.5	6.7
Closed		10.0	1.3	3.5	3.6
No Response			1.8	2.3	1.0

Source: Primary

A decrease in actual Sunday sales from 1960 through 1964 is reported by one group of managers of discount houses (20 percent decrease), drug stores (9.3 percent decrease), and groceries (12.6 percent decrease). The decrease in Sunday sales outweighs reports of another group of managers of drug stores (5.8 percent increase) and grocers (7.5 percent increase) for the same period. The decreases are counterbalanced by the number of new store openings on Sunday. Managers of drug and grocery stores report increases in new store openings of 11.1 and 15.5 percent respectively. The fluctuation of Sunday sales is further magnified by the number of stores closed: discount houses (10 percent), drug stores (1.3 percent), and grocery stores (3.5 percent).

Table 6.9 illustrates that the greatest decreases in Sunday sales in areas without legislation are in discount houses (28.6 percent) and groceries (20.6 percent). An interesting point is the increase in new drug stores (12.4 percent) and grocery stores (17.0 percent) in areas with laws compared to the increase in drug stores (8.9 percent) and groceries (13.2 percent) in areas without Sunday restrictions. More of these stores are opening on Sunday in areas surrounded by legislation than stores of a similar type in areas without legal restrictions.

Table 6.9 shows that fewer drug and grocery stores are opening and Sunday sales are slightly decreasing in discount houses and grocery stores in areas without legislation than in areas with Sunday restrictions. Yet stability of sales by all types of retailers prevails over the entire four-year period, in areas both with and without Sunday closing laws.



TABLE 6.9

PERCENTAGE CHANGE OF SUNDAY SALES  
BY TYPE RETAIL STORE FROM 1960-1964 IN  
AREAS WITH AND WITHOUT SUNDAY LEGISLATION

	<u>Department Store</u>	<u>Discount House</u>	<u>Drug Store</u>	<u>Grocery</u>
Increase				
With Laws			7.2	7.5
Without Laws	33.3		3.6	7.4
Stable				
With Laws		66.7	71.1	58.5
Without Laws	66.7	71.4	69.6	58.8
Decrease				
With Laws			9.3	7.5
Without Laws		28.6	8.9	20.6
New Store				
With Laws			12.4	17.0
Without Laws			8.9	13.2
Closed Store				
With Laws		33.3		5.7
Without Laws			3.6	
No Response				
With Laws				3.8
Without Laws			5.4	

Source: Primary

Table 6.10 shows that the majority of stores sampled maintain a typical day's sale on Sunday: department stores (50 percent), discount houses (55.5 percent), and groceries (54.1 percent). In areas with legislation, above-average sales are exhibited only by discount houses (66.7 percent); while drug stores in areas without Sunday restrictions show the largest percentage of below-average sales (44.6 percent).

Therefore, Table 6.10 discloses that drug stores have the poorest Sunday selling performance of the types of retail stores

analyzed, while discount houses and groceries maintain average and above-average Sunday sales.

TABLE 6.10

PERCENTAGE OF WEEKLY SALES OCCURRING ON SUNDAY  
BY TYPE RETAIL STORE FOR THE AGGREGATE STUDY  
IN AREAS WITH AND WITHOUT SUNDAY LEGISLATION

	<u>Under 9 Percent</u>	<u>10-19 Percent</u>	<u>20 Percent and Over</u>	<u>No Response</u>
Department Stores				
Aggregate	33.3	50.0	16.7	
With Laws				
Without Laws	33.3	50.0	16.7	
Discount Houses				
Aggregate		55.5	33.3	11.2
With Laws			66.7	33.3
Without Laws		83.3	16.7	
Drug Stores				
Aggregate	34.8	48.8	8.5	7.9
With Laws	29.2	55.3	9.4	6.1
Without Laws	44.6	37.5	7.2	10.7
Groceries				
Aggregate	19.2	54.1	18.0	8.7
With Laws	25.0	46.2	16.3	12.5
Without Laws	10.3	66.2	20.6	2.9

Source: Primary

Table 6.11 shows that Sunday sales activities in suburban locations are quite erratic. The greatest percentage of below-average Sunday sales (30.8 percent) is found in the suburbs. However, the majority of suburban retailers disclose average Sunday sales (50.6 percent), and their above-average Sunday sales amount to 14 percent. The suburban Sunday selling activities surpass those of the neighborhood area only in better-than-average sales (12.6 percent). The below-average Sunday sales (29.7 percent) and the higher-than-average Sunday sales (52.6 percent) of the neighborhood area show a better

position of Sunday sales than in the suburban area. While the total number of retailers surveyed in the central business district is small, retailers open on Sunday disclose a high (52.6 percent) average and above-average (15.8 percent) Sunday sales volume.

TABLE 6.11  
PERCENTAGE OF WEEKLY SALES OCCURRING ON SUNDAY  
BY LOCATION FOR THE AGGREGATE STUDY  
IN AREAS WITH AND WITHOUT SUNDAY LEGISLATION

	<u>Under 9 Percent</u>	<u>10-19 Percent</u>	<u>20 Percent and Over</u>	<u>No Response</u>
Central Business District				
Aggregate	26.3	52.6	15.8	5.3
With Laws	20.0	60.0	20.0	
Without Laws	22.2	61.3	11.2	5.3
Neighborhood				
Aggregate	29.7	52.6	12.6	5.1
With Laws	31.3	52.7	12.7	3.3
Without Laws	26.2	52.3	12.3	9.1
Suburbs				
Aggregate	30.8	50.6	14.0	4.6
With Laws	37.0	43.4	10.9	8.7
Without Laws	26.2	55.8	16.4	1.6

Source: Primary

Deviations noted by comparing locational differences to sales activities vary between areas with and without legislation as described in Table 6.11. Neighborhood and suburban retailers in areas without legislative restrictions disclose the greatest below-average Sunday sales. The greatest percentage of average sales are found in central business districts not affected by legislation (61.3 percent) and in suburbs without legislation (55.8 percent).

In relating Sunday sales to retailers' annual sales volume, it is shown in Table 6.12 that small retailers with yearly sales volumes under \$50,000 and \$50,000 to \$99,999 have a significant

percentage of below-average Sunday sales; also, they have a low percentage of average Sunday sales. Therefore, these small retailers do not receive the Sunday sales activities which they probably desire.

TABLE 6.12

PERCENTAGE OF WEEKLY SALES OCCURRING ON SUNDAY  
TO ANNUAL SALES VOLUME FOR THE AGGREGATE  
STUDY IN AREAS WITH AND WITHOUT SUNDAY LEGISLATION

<u>Annual Sales Volume</u>	<u>Under 9 Percent</u>	<u>10-19 Percent</u>	<u>20 Percent and Over</u>	<u>No Response</u>
Under \$50,000				
Aggregate	42.2	28.9	20.0	8.9
With Laws	54.3	22.9	11.5	11.3
Without Laws		50.0	50.0	
\$50,000 - \$99,999				
Aggregate	45.2	39.8	13.3	1.7
With Laws	47.1	44.8	8.1	
Without Laws	42.0	35.2	21.1	1.7
\$100,000 - \$499,999				
Aggregate	26.8	57.9	11.6	3.7
With Laws	25.2	60.8	13.1	0.9
Without Laws	28.9	53.0	10.8	7.3
\$500,000 - \$999,999				
Aggregate	15.0	45.0	30.0	10.0
With Laws	16.7	75.0		8.3
Without Laws	12.5	75.0		12.5
Over \$1,000,000				
Aggregate	17.9	64.3	10.7	7.1
With Laws	15.4	53.9	30.7	
Without Laws	20.0	72.9		7.1
Not in Business Past Year				
Aggregate				100.0
With Laws				100.0
Without Laws				
No Response				
Aggregate			50.0	50.0
With Laws			50.0	50.0
Without Laws				

Source: Primary

Retailers with yearly sales volumes of \$100,000 and over, including medium-sized and larger retailers, show a more advantageous position for Sunday selling. As is shown in Table 6.12, the same statements apply to areas with and without Sunday legislation, with the exception of small retailers with annual sales volumes under \$50,000 not restricted by legislation, who show more Sunday sales (50 percent). This analysis shows that most of the Sunday sales are attributable to medium-sized retailers whose percentages of weekly sales appear average to sales of the other weekdays.

Knowledge of Sunday closing laws. Retailers need further education concerning Sunday closing laws. Almost one-third (30.8 percent) of the retailers surveyed in states with closing restrictions do not know that such a law exists. Table 6.13 shows that 33.5 percent of the stores open on Sunday and 24.0 percent of the stores closed do not know about Sunday legislation. Analysis indicates apparent lack of Sunday closing knowledge by grocery stores (35.3 percent), drug stores (29.5 percent), and department stores (17.3 percent). An interesting fact is that all discount house managers are aware of Sunday closing legislation. Retailers who are not open on Sunday and who have no desire to open are little concerned with Sunday legislation. Lack of knowledge on the part of department store managers is indicative of this feeling.

Although the responses of retailers not in business during the past year and those indicating "no response" are small, 25 percent have no knowledge of Sunday restrictions. The smaller the size of the store, the more indication there is that

TABLE 6.13

RETAILER KNOWLEDGE OF SUNDAY CLOSING LAWS  
BY STORES OPEN AND CLOSED ON SUNDAY (IN PERCENT)

	<u>Know</u>	<u>Do Not Know</u>	<u>No Response</u>
Retailers Open	64.1	33.5	2.4
Retailers Closed	74.9	24.0	1.1

Source: Primary

retailers are not aware of Sunday legislation. (See Table 6.14.) Eighty-five and three-tenths percent of the retailers of stores with sales volumes of less than \$100,000 are not aware of Sunday closing restrictions, indicating that retailer interest groups and enforcement agencies are not educating retailers of small stores on Sunday selling restrictions. Of the stores surveyed, small drug stores and groceries illustrate the greatest need for education.

TABLE 6.14

RETAILER KNOWLEDGE OF SUNDAY CLOSING LAWS  
BY ANNUAL SALES VOLUME (IN PERCENT)

<u>Annual Sales Volume</u>	<u>Know</u>	<u>Do Not Know</u>	<u>No Response</u>
Under \$50,000	54.4	45.6	
\$50,000 - \$99,999	60.3	36.8	2.9
\$100,000 - \$499,999	72.5	25.7	1.8
\$500,000 - \$999,999	78.6	21.4	
Over \$1,000,000	86.0	14.0	
Not in Business Past Year	25.0	50.0	25.0
No Response	25.0	50.0	25.0

Source: Primary

Lack of education pertaining to Sunday closing laws is particularly evident in the following metropolitan areas: Memphis, 30 percent; Hartford, 33.9 percent; New Orleans, 38 percent; and San Antonio, 46.1 percent. (See Appendix, Exhibit 19.) Columbus reports the fewest uneducated (16.3 percent). Metropolitan areas revealing high and low percentages give reason for confusion:

1. The emergency clause of the Texas law makes it difficult to enforce. Retailers may feel that the law is invalid, and therefore claim there is no law.
2. The opposite is true in Columbus. Because of the ineffectiveness of the legislation, many arrests are made, and these are more publicized. Therefore, more retailers are continually exposed to the problem, although the legislation is ineffective.

The questionnaire states that if retailers report they have no Sunday closing laws, the interview ends. The "no response" replies are discounted for the purpose of more explicitly determining answers to the remaining questions involving the effect of Sunday closing laws on retailer sales, the impression given to the present piece of state legislation, and to retailer opinion of their competitors' actions within the law.

Attitudes of retailers toward effects of Sunday legislation on sales. Retailers in areas covered by Sunday closing laws do not believe these restrictions affect their sales, a typical reaction of retailers (72.5 percent) regardless of whether or not they are open on Sunday. The analysis discloses 77.9 percent of the stores open

and 67.1 percent of the stores closed feel that Sunday restrictions do not affect their sales. This 10.8 percent difference shows that retailers not open are more concerned with the effects of legislation on sales than those open. Discount house managers feel that Sunday closing laws curb their activities.

Retailers in Columbus, Ohio, report the least effect of Sunday closing laws upon their sales (12.2 percent), while Memphis retailers report the greatest effect (31.7 percent) as shown in the Appendix, Exhibit 20.)

Attitudes of retailers toward competitors' compliance with Sunday legislation. While retailers report that Sunday closing laws have little effect on their sales, they believe that their competitors are not complying with Sunday closing laws. The reports of all retailers affected by Sunday restrictions reveal that 64.3 percent feel their competitors are not complying with the law. The reports obtained from retailers whose stores are open on Sunday (65.9 percent) and retailers closed (63.2 percent) are quite similar. It is significant to note that in all metropolitan areas with Sunday legislation the consensus of retailers is that competitors are not complying with Sunday closing laws. Retailers in Columbus are the most emphatic, in that 79.3 percent state that their competitors are overlooking Sunday legislation. It appears, therefore, that the majority of retailers are skeptical of the operations of their fellow competitors. (See Appendix, Exhibit 21.)

Retailer impressions of Sunday closing laws. From observations in this study, it can be assumed that retailers are not in favor of current Sunday closing laws. In fact, only 11.9 percent



of the retailers with restrictions are satisfied. Unfavorable comments concerning present Sunday legislation are made by 79.6 percent of the retailers affected by Sunday restrictions.

Retailer impressions of Sunday legislation follow the lines of thought presented in Table 6.15. Principal points of weakness stated by retailers are:

1. That the law needs enforcement (23.8 percent)
2. That the law is ineffective (20.5 percent)

Twenty-two and four-tenths percent of the retailers are not in favor of Sunday closing laws. The main criticism in evidence is with the content of the legislation (57.2 percent) rather than with the law itself. (Thus, the retailers are not necessarily against the legislation, but against certain aspects of the content of the law which are unfavorable to them.) The task of satisfying all retailers is impossible, yet the present evidence is that Sunday closing laws are only satisfying the minority.

TABLE 6.15

RETAILER IMPRESSIONS OF THEIR STATES'  
SUNDAY CLOSING LAWS (IN PERCENT)

	<u>Percent</u>
Good law	11.9
Needs enforcement	23.8
Not in favor	22.4
Ineffective	20.5
Do not know the specifics about it	3.8
Should apply to everybody	3.8
Should not apply to small retailers	2.2
Unfair	1.4
Indifferent	1.1
Does not affect the retailer	.3
Need either a Saturday or Sunday law for grocers	.3
No comment	8.5
Total	<u>100.0</u>

Source: Primary

While retailer impressions of Sunday closing laws apply only to those retailers restricted by these laws, it is obvious that retailers without legislation also have opinions about Sunday selling. The entire content of this analysis deals with opinions of retailers and their effect on retail operations as they apply to Sunday retailing. The remaining question is: Do Sunday closing laws have an effect on retail store operations? The answer to the question is tested in the results of the hypothesis that there is no difference between Sunday openings in states with or without Sunday closing laws. As shown throughout this study and statistically supported in Table 6.16, there is a difference in store openings in states with and without Sunday closing laws. Therefore, the impressions of managers which influence their decisions to remain open or closed on Sunday are affected by the legislative statutes which surround them. While retailers under Sunday closing restrictions state that their particular laws do not affect their businesses, their attitudes are shaped to some extent by the knowledge of the existence of this legislation.

#### Summary of Facts on Customer Desires and Trends in Sunday Selling

Several salient facts are drawn from this chapter. First, the customer in areas without Sunday legislation is more favorable to Sunday opening than is the customer in areas affected by legislation. Customer preference is proved by testing the hypothesis that there is no difference between customer attitudes toward Sunday openings, regardless of Sunday legislation. In areas without legislation, customers are free to buy on Sunday, and more alternatives for purchasing are available to them. Therefore, it

TABLE 6.16

COMPUTATION OF THE HYPOTHESIS:  
THERE IS NO DIFFERENCE IN STORE OPENINGS  
IN STATES WITH AND WITHOUT SUNDAY LEGISLATION

RETAILER OPENINGS	STATES WITH LAWS	STATES WITHOUT LAWS	TOTAL
	a	b	
Number closed Sundays	183	48	231
	c	d	
Number open Sundays	<u>206</u>	<u>135</u>	<u>341</u>
Total	389	183	572

## COMPUTATIONS FOR CHI SQUARE

Cell	fo	fe	fo <sup>2</sup>	fo <sup>2</sup> /fe
a	183	157.1	33489	213.170
b	48	73.9	2304	32.531
c	206	231.9	42436	182.993
d	<u>135</u>	<u>109.1</u>	<u>18225</u>	<u>167.049</u>
Total	572	572.0	. .	595.743

$$\chi^2 = 595.743 - 572 = 23.743$$

$$df = (r - 1) (c - 1)$$

$$df = (2 - 1) (2 - 1)$$

$$df = 1 \cdot 1$$

$$df = 1 = 3.841 \text{ at } .05 \text{ level of significance}$$

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Source: Primary

is not astounding that they are more favorable to Sunday sales. It is also found that reports of retailers on consumer attitudes are more favorable when they come from suburban locations.

Second, the survey discloses that retailers report a lower-than-average sale per customer on Sunday, particularly in drug stores. Yet, the lower-than-average sale per customer is not a majority opinion (37.2 percent), and enough evidence in other types of stores which report the same or higher average sales per customer on Sunday is exhibited to show some demand by customers for Sunday selling.

Third, the study does not generally show a great amount of family purchasing on Sunday, but larger retailers and retailers located in the suburbs attest that more family purchasing takes place in their stores on Sunday than on other days of the week.

Fourth, Sunday telephone orders are not found to be a competitive device for retailers not open on Sunday.

Fifth, only a slight increase in the number of stores open on Sunday is shown from the years 1960-1964. Sunday business is reported quite stable over these years, although discounters in areas without laws report a decrease in the percentage of their sales on Sunday -- and more decreases in Sunday sales are evidenced by druggists and grocers in the areas without Sunday laws.

Sixth, the majority of managers of department stores, discount houses, and groceries report percentages of weekly sales occurring on Sunday that are average (10-19 percent of total weekly sales) and above average (20 percent and above of total weekly sales). Although Sunday sales cannot support the contention that business in all stores is profitable, the sales give some support to Sunday openings.

Seventh, the knowledge of Sunday closing laws is lacking to a segment of small grocers and druggists. If Sunday closing laws are necessary and worth while, they should be known by everyone affected by the legislation.

Eighth, retailers do not believe Sunday closing laws affect their sales to any extent.

Ninth, the majority of retailers are skeptical of their competitors and do not feel these competitors are complying with Sunday closing laws.

Tenth, only a few retailers favor Sunday legislation, but not many more disfavor it. The majority of retailers criticize the content of the law and the manner in which it is applied. Retailer impressions of Sunday legislation, together with the other factors considered in this study, support the hypothesis that Sunday closing laws do affect operations of retailers.

Generally, the factors of this chapter indicate that a market for Sunday selling exists. Some customers are willing to buy, but reports of customer attitudes and activities do not support a mass movement toward Sunday selling or buying. The evaluation of trends that is made in the second part of this chapter supports this contention.

Up to this point the study has presented the principal areas for analysis in each of the chapters, which involved specific areas for cursory evaluation. Chapter VII will review earlier findings and suggest implications that can be gathered from this material.

## CHAPTER VII

### SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

The primary objective of this study is to analyze the current status of Sunday closing legislation and to evaluate the attitudes of selected retailers toward Sunday retailing operations in selected metropolitan areas in the United States. The major areas for observation and investigation are: effectiveness of current Sunday closing legislation, location of retailers open on Sunday, changes in retailing store hours, opinions of retailers toward Sunday openings, demands of customers for Sunday openings, and trends toward Sunday selling.

The analysis concerns the historical involvement of Sunday legislation and pictures the present status of this legislation nationally. Further observations of current legislation of selected metropolitan areas are made. Empirical analysis is used to study store location, store hours, and attitudes of retailers surveyed. Results of the findings from the literature and empirical evidence are summarized. Explanation is made, also, of the significance of conclusions reached, and recommendations are based on these conclusions.

#### Survey of the History and Development of Sunday Closing Laws

The exact origin of the term "Blue Law" is uncertain, but legislation affecting "Sabbath selling" has existed in the United

States since 1610. The first forms of Sunday closing laws were primarily for religious purposes. By 1844 legislation began to include recognition of the need for one day of rest in seven to protect the health of employees of continuous industries.

A new era of Sunday closing legislation evolved from the years 1916 to 1935. Development of cities, industrial growth, and advancements in transportation led to a more modern concept of Sunday activities; i.e., Sunday entertainment. Once the issue of Sunday entertainment was won, little evidence of Sunday restlessness was exhibited until 1957, the era of Sunday retailers. The new age brought with it marketing concepts that are involved with discount house operations, supermarkets, superettes, and the scrambled merchandising which can be found in any type of retail store, regardless of its name. The new retailing period has conveyed an opportunity to review former Sunday legislation, and in many cases to develop new legislation which combats this type of Sunday activity.

Several advancements bear on the problem of present Sunday closing legislation: (1) expansion of cities, (2) prevalence of automobiles for shopping, (3) growth of employment among married women, (4) United States Supreme Court decisions in June of 1961,<sup>1</sup> and (5) tourism.

The advent of Sunday retailing has prompted most states to re-emphasize or revitalize Sunday closing laws. Presently only

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<sup>1</sup>Braunfeld v. Brown; Crown Kosher Supermarket of Springfield, Massachusetts v. Gallager; McGowan v. Maryland; and Two Guys from Harrison-Allentown, Inc. v. McGinley.

eight states have Sunday laws enacted prior to the 1950's. Twenty-seven states have supplemented or altered their legislation since 1953; however, supreme courts in eight of the twenty-seven states have ruled their Sunday closing laws unconstitutional. Currently, Sunday closing legislation is active in twenty-eight states, although only sixteen states reveal rigid enforcement.<sup>2</sup>

Geographically, active Sunday legislation is found in the New England, eastern, and southeastern portions of the United States. Most of the states in the Middle West which have Sunday legislation reveal weak enforcement. States in the West, for all practical purposes, have no laws against Sunday retailing.

Modern Sunday closing legislation is classified as broad and specific. The broad classification generally prohibits store openings, while the specific laws prohibit the sale of certain types of merchandise. Provisions which may accompany the broad and specific classifications of Sunday legislation are: local option, restrictions on the size of the store that may be opened on Sunday, and Saturday or Sunday closing.

The problems evident in Sunday legislation have been difficult for legislators and the judiciary to solve, as no one form of legislative enactment has shown but minor success. The United States Supreme Court decisions which concerned challenges against Sunday legislation for violations of the First and Fourteenth Amendments to the United States Constitution upheld the constitutionality of such legislation. By upholding the Sunday closing

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<sup>2</sup>See Chapter II, pp. 28-29.



laws of Pennsylvania, Massachusetts, and Maryland, the action of the Supreme Court essentially placed Sunday closing law problems of particular states back in their own hands. State and local courts have, therefore, had to face the problems of Sunday closing laws.

A major weakness found in Sunday closing legislation is in adequate enforcement. Local enforcement agencies are not prepared to handle the problems developed by Sunday selling. Another weakness concerns fines imposed against offenders, but loopholes in the law and lack of enforcement handicap the success of this legislation. Enforcement appears to be discriminatory, thus furthering the dilemma in Sunday legislation.

A look at Sunday legislation in the selected metropolitan areas in the study provides a basis for comparison of retailer activities in these areas as they report their opinions. Legislation found in Connecticut is broad in content and contains minimal fines; yet the law appears adaptable to its citizenry. Louisiana recently introduced new specific legislation and tightened enforcement of the legislation. In Ohio the broad form of legislation is almost completely ignored. Tennessee's legislation is old and is difficult to enforce. Only the local option clause which is in evidence in Memphis keeps Sunday retailing there to a minimum. The new Texas law has been dented by a Texas Supreme Court ruling which has made enforcement difficult and retail openings more prevalent -- especially in discount houses, the main type of outlet the legislature set out to stop. The states of California and Colorado are free of Sunday legislation.

### Location of Retailers Surveyed

The analysis made in this section deals with the problem of physical location of the retail establishments and the discovery of differences in location for stores open or closed on Sunday. Locations are classified within a metropolitan area into central business district, neighborhood, and suburban. The randomness of the sample selection gives no advance indication of the particular location of any retailer and provides a means for comparing the locational characteristics of types of businesses to be analyzed. The primary types of stores identified in each location are the following: Department store, central business district; grocery store, neighborhood; and discount house, suburban. The general study shows that most of the replies of retailers interviewed come from neighborhood locations. By comparing the relationship of retailers interviewed by location in areas with and without Sunday closing laws, the following results are found:

1. Almost the same percentage of retailers are found in the central business districts with and without Sunday restrictions.<sup>3</sup>
2. A greater concentration of neighborhood stores are reported in areas with laws (68.4 percent) than in neighborhood stores without laws (49.2 percent).
3. More stores are in existence in the suburbs without laws (42.6 percent) than in suburban

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<sup>3</sup>See Table 3.3, p. 69.

stores in areas with laws (23.1 percent).

Of the stores sampled, only 17.5 percent are located in shopping centers. The number of shopping center stores is small, but an increase in activities is shown in the suburbs. Thus, the main question to be answered is: "Where are stores open on Sunday?" Locational breakdown indicates 63.7 percent of the stores located in the suburbs, 60.4 percent in the neighborhood, and 39.6 percent in the central business district are open on Sunday.<sup>4</sup> These figures reveal that more Sunday openings exist outside of the central business district. Each of the particular types of stores surveyed shows some Sunday openings, although department stores are open on Sunday only in the California area.

Regardless of locational classification, more stores are open on Sunday in areas without laws (central business district, 60 percent; neighborhood, 65 percent; and suburbs, 61 percent) than in areas with laws (central business district, 30.3 percent; neighborhood, 56.4 percent; and suburbs, 51.1 percent).<sup>5</sup> The comparison shows that retailers are more apt to be open on Sunday in locational areas without Sunday closing laws, and the stores open are larger than those in legally restricted states.<sup>6</sup> Store openings are expanding more in the suburbs than in the neighborhood and central business districts, regardless of Sunday legislation.

Sunday openings in shopping centers in areas without Sunday restrictions (neighborhood, 95.8 percent; suburbs, 92 percent)

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<sup>4</sup>See Chapter III, p. 77.

<sup>5</sup>See Chapter III, Table 3.7, p. 79.

<sup>6</sup>See Chapter III, Table 3.8, p. 80.

are more prevalent than in shopping centers in areas with Sunday closing laws (neighborhood, 54.1 percent; suburbs, 54.5 percent).<sup>7</sup> The sample shows that drug stores are the principal stores located in shopping centers that are open on Sunday (75 percent).

#### Store Hours of Retailers Surveyed

The main item for analysis in Chapter IV deals with testing the hypothesis that store hours are independent of store locations. The test shows that there is a difference in store hours when different locations are considered.<sup>8</sup> The median average of store hours per week found in areas with legislation is 60.5 to 70 in central business districts and 70.5 to 80 in neighborhood and suburban locations, compared to 70.5 to 80 in central business districts and 80.5 to 90 in neighborhood and suburban locations without legislation.<sup>9</sup> Therefore, stores located in areas without legislation have longer store hours than those in areas with restrictions. The analysis also reveals that there is a growth in ordinary store hours, but there is no consistency in opening and closing hours, although more uniformity exists in hours of stores handling shopping goods than in stores dealing in convenience goods. Retail stores prevalently open in the evenings are the usual stores open on Sunday, legislation permitting.

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<sup>7</sup>See Chapter III, p. 83.

<sup>8</sup>See Chapter IV, Table 4.5, p. 96.

<sup>9</sup>See Chapter IV, p. 92.

Another interesting fact is that average hours per Sunday opening are less than on other days of the week.<sup>10</sup> From an examination of store hours, no support can be given to a larger number of Sunday openings.

#### Managerial Opinions Toward Sunday Openings

The principal findings of Chapter V are that the retail type of business has an effect on the opinions of retailers toward Sunday openings<sup>11</sup> and that differences do exist between opinions of retailers open and closed on Sunday.<sup>12</sup> These findings are evident from tests made of the hypotheses in this section. Retailers specify that they are not in favor of Sunday openings. This is true for the total when comparing retailers in areas with and without Sunday restrictions. The only type of retail store to favor Sunday openings is the discount house. Only retailers open on Sunday with laws (51.5 percent) show evidence of favoring Sunday openings.<sup>13</sup> While the study shows that most retailers do not want Sunday openings, they are of the opinion that a greater number of stores are opening on Sunday, and they believe they will have to resort to or continue Sunday openings in the future.<sup>14</sup> Majority opinions on these topics are evident, regardless of Sunday legislation.<sup>15</sup> Also,

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<sup>10</sup>See Chapter IV, Table 4.8, p. 101.

<sup>11</sup>See Chapter V, Table 5.4, p. 114.

<sup>12</sup>See Chapter V, Table 5.1, p. 111.

<sup>13</sup>See Chapter V, Table 5.6, p. 116.

<sup>14</sup>See Chapter V, Table 5.7, p. 117.

<sup>15</sup>See Chapter V, Table 5.8, p. 118.

the majority of managers of discount houses, drug stores, and grocery stores (except for managers of discount houses in areas with laws) feel that the number of store openings is increasing, and they will have to resort to or continue Sunday openings.

Retailers feel that employees do not want to work on Sunday. This feeling is true for the total study, in areas with and without legislation, by type of store (except discount houses), and by location (with the exception of retailers located in suburbs not affected by Sunday restrictions).<sup>16</sup> Stores open on Sunday do not reveal a majority opinion against employees desiring to work on Sunday, but the largest percentages are against Sunday openings.<sup>17</sup>

The chief reason retailers give for being open on Sunday involve demands by customers or competition. These reasons are similar, regardless of whether or not retailers are restricted by Sunday legislation.<sup>18</sup> The principal reason for opposing Sunday openings is the lack of demand. Other reasons are the need for a day of rest and a day for worship.

The study shows that the influence of unions on employee attitudes toward Sunday openings is not widespread; therefore, unions presently cannot have much effect on Sunday openings. Only 13.6 percent of the retailers surveyed are involved with unions.<sup>19</sup> Unions are most prevalent in the San Jose area, which also finds

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<sup>16</sup>See Chapter V, Tables 5.11, 5.12, 5.13, pp. 122-123.

<sup>17</sup>See Chapter V, Table 5.14, p. 125.

<sup>18</sup>See Chapter V, Table 5.15, p. 126.

<sup>19</sup>See Chapter V, p. 128.

Sunday openings prevalent.

Impressions of Retailers on Consumer Demand and Trends Regarding Sunday Openings

While 16.6 percent of the retailers surveyed feel that customers do not favor Sunday opening, 46.3 percent of them report that customers favor these openings.<sup>20</sup> Percentagewise, the 46.3 percent is not a majority opinion, but it is close, and another 36.2 percent of the retailers state that customer attitudes are neutral.

A test of the hypothesis that there is no difference between customer attitudes toward Sunday openings in areas with Sunday closing laws compared to customer attitudes in areas without restrictions reveals that legislation makes a difference.<sup>21</sup> According to retailers, customers in areas without Sunday closing laws (51.4 percent) are more favorable to Sunday openings than customers in areas with restrictions (44.7 percent). Suburban retailers (51.8 percent) reveal the largest positive opinion of customers' attitudes to Sunday openings.<sup>22</sup>

Retailers open on Sunday consistently report a lower average sale per customer on Sunday than on other days of the week, regardless of legislation.<sup>23</sup> Lower-than-average sales are reported particularly by drug store managers.

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<sup>20</sup>See Chapter VI, p. 134.

<sup>21</sup>See Chapter VI, Table 6.1, p. 137.

<sup>22</sup>See Chapter VI, Table 6.2, p. 138.

<sup>23</sup>See Chapter VI, Table 6.3, p. 139.

Evidence of more family purchasing on Sunday than on other weekdays is lacking, irrespective of legislation, except as reported by 66.7 percent of the managers of department stores, 66.7 percent of the managers of discount houses, 61.2 percent of the managers of grocery stores in areas without legislation, and all discount house managers in areas with legislation.<sup>24</sup> Suburban retailers in areas without laws (57.4 percent) and large stores in areas with and without laws report more family purchases. Therefore, larger stores seem to do more family business on Sunday.

The use of Sunday telephone sales by retailers not open on Sunday to meet Sunday competition is insignificant.

The second part of Chapter VI exposes recent trends in Sunday selling activities and summarizes retailers' knowledge of Sunday legislation. Sunday selling activities in the years 1960 through 1964 reveal that:

1. There has been an increase in the number of store openings (17.6 percent).
2. The majority of retailers studied report Sunday sales that are typical of those of other weekdays (51.3 percent).
3. All retailers classified by type of store report stability in the percentage of weekly sales claimed on Sunday.

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<sup>24</sup>See Chapter VI, Tables 6.4, 6.5, and 6.6, pp. 142-143.

<sup>25</sup>See Chapter VI, Table 6.8, p. 149.



4. There is some evidence of a decrease in the percentage of Sunday sales to total weekly sales in discount houses (20 percent), drug stores (9.3 percent), and grocery stores (12.6 percent).
5. More new drug and grocery stores are opening in areas with legislation.
6. Department stores, discount houses, and groceries report typical percentages of Sunday sales to sales of other weekdays.<sup>26</sup>
7. Discount houses in areas with laws do above-average Sunday sales to other weekday sales.
8. Most Sunday sales are made by medium-sized retailers (\$100,000 to \$499,999 annual sales volume)<sup>27</sup> whose Sunday percentages of weekly sales appear typical of sales of the other weekdays.

A review of retailers' knowledge of Sunday closing laws reveals that:

1. Small grocery and drug stores (under \$100,000 annual sales volume) show a lack of knowledge of their Sunday laws.<sup>28</sup>
2. Retailers do not believe Sunday laws affect their sales.
3. Retailers do not feel their competitors are complying with Sunday closing laws.
4. Impressions of Sunday legislation deal with the content

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<sup>26</sup>See Chapter VI, Table 6.10, p. 152.

<sup>27</sup>See Chapter VI, Table 6.12, p. 154.

<sup>28</sup>See Chapter VI, Table 6.14, p. 156.

of the legislation rather than favorable or unfavorable attitudes toward laws.

5. The test of the hypothesis proves there is a difference in store openings in states without legislation compared to states with legislation; therefore, Sunday laws do affect operations of retailers.<sup>29</sup>

### Conclusions

The summary statements provide the basis for the following conclusions:

1. Tests of the hypotheses in this study indicate that Sunday legislation generally does have an effect on Sunday selling.
2. Sunday closing legislation does not meet the needs of most retailers. Indications are that laws are fading as a regulatory device, and many retailers lack knowledge of the content or existence of Sunday laws. Modern Sunday legislation appears to be minority legislation against minority groups. Basically, the legislation is against discount house openings.
3. The study by no means reveals an accelerated movement toward Sunday selling, even in areas without Sunday legislation.
4. Most department stores, which attempt to convey a prestige image, are traditionally opposed to Sunday openings; while discount houses, which appeal to

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<sup>29</sup>See Chapter VI, Table 6.16, p. 161.

customers on the basis of lower prices, leisure shopping and greater conveniences, favor Sunday openings. Constant markets are available to both types of retailers.

5. The relationship between store hours and Sunday sales volume implies that Sunday selling activities may be worth while for the stores that are open. Store hours are commonly less on Sunday than on other weekdays; yet stores open on Sunday reveal sales volumes typical to those of other weekdays.
6. Drug stores, compared to other types of stores considered in the survey, disclose the lowest Sunday sales volume.
7. Although the retailers surveyed report more family purchases on Sunday than on other weekdays in larger suburban stores, particularly discount houses, the majority opinions of retailers do not support this contention.
8. The largest percentage of stores in suburban locations are open on Sunday. These suburban retailers feel that customers are more favorable to Sunday selling and that more family shopping takes place on Sunday. Otherwise, the study shows little difference between retailers in suburban and neighborhood locations open on Sunday.

#### Recommendations

The findings of this study indicate a need for additional study of the Sunday selling problem. Consumer and employee desires

should be further considered, and retailers and legislators should examine Sunday selling practices in light of consumer demands, employee attitudes, and present legislation.

The following specific recommendations are made:

1. If Sunday laws are to be effective retailers affected by these laws must be made aware of the content of the legislation and the manner in which the laws affect them.
2. Sunday closing laws should be discontinued or made more practicable in light of modern retailing operations. Consideration should be given to union overtime regulations, the Fair Labor Standards Act, and the state laws which regulate the number of hours per week employees must work. Special-interest groups, such as retail merchants associations and chambers of commerce, should be more interested in consumer, manager, and employee attitudes of all retail establishments in the community than in the desires of their particular interest groups.
3. Store hours should be determined by retailers after careful study of customer desires and analyses of actual customer purchasing patterns.
4. Profitability of Sunday openings should be determined in light of present legislation, customer demand, Sunday sales volume, employee attitudes, and union influence.

The conclusions are an attempt to point out the present status of Sunday retail operations and the legislation which affects retailers. Sunday selling activities are shown to be quite stable since 1960, but Sunday legislation does affect Sunday selling activities when the laws are enforced; e.g., Sunday retailing in Memphis, Tennessee, is different from Sunday retailing found in San Jose, California. Recommendations are made to assist retailers and legislators to instigate Sunday closing laws in keeping with a changing society and to provide the additional services which the retailers determine customers desire based upon a study of customer wishes and needs.

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A P P E N D I C E S



EXHIBIT I  
HOUSTON QUESTIONNAIRE  
SURVEY OF RETAILERS ON SUNDAY SELLING

Person Interviewed

1. Owner \_\_\_\_\_ Manager \_\_\_\_\_ Employee \_\_\_\_\_

The Business

2. Business Classification (Check appropriate space(s).)

Department Store \_\_\_\_\_  
Chain \_\_\_\_\_  
Independent \_\_\_\_\_  
Discount House \_\_\_\_\_  
Chain \_\_\_\_\_  
Independent \_\_\_\_\_  
General Merchandise \_\_\_\_\_  
Limited Merchandise \_\_\_\_\_  
Drug Store \_\_\_\_\_  
Chain \_\_\_\_\_  
Independent \_\_\_\_\_  
General Merchandise \_\_\_\_\_  
Pharmaceuticals \_\_\_\_\_  
Grocery \_\_\_\_\_  
Supermarket \_\_\_\_\_  
Chain \_\_\_\_\_  
Independent \_\_\_\_\_  
Bantam \_\_\_\_\_  
Chain \_\_\_\_\_  
Independent \_\_\_\_\_  
Neighborhood \_\_\_\_\_

3. Location of the Business (Check one.)

Central Business District \_\_\_\_\_ Neighborhood \_\_\_\_\_ Suburban \_\_\_\_\_

4. What are your usual store hours?

Day \_\_\_\_\_ Night \_\_\_\_\_ Sunday \_\_\_\_\_

5. If business has Sunday store hours, check "yes" for being open;  
if not, check "no."

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what approximate percentage of your total weekly sales occurred on Sunday in the years

1956	1959	1961
under 10% _____	under 10% _____	under 10% _____
10 - 19% _____	10 - 19% _____	10 - 19% _____
20 - 29% _____	20 - 29% _____	20 - 29% _____
30 - 39% _____	30 - 39% _____	30 - 39% _____
40 - 49% _____	40 - 49% _____	40 - 49% _____
over 50% _____	over 50% _____	over 50% _____

6. Do you believe there is a trend in your type of business toward Sunday openings?

Yes \_\_\_\_\_ No \_\_\_\_\_

7. Do you feel you will have to resort to (or continue) Sunday openings in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why? \_\_\_\_\_  
 \_\_\_\_\_

8. Are you in favor of Sunday openings?

Yes \_\_\_\_\_ No \_\_\_\_\_

9. What was your approximate sales volume in the past year? (Check one.)

under \$50,000 _____	\$500,000 - 999,999 _____
\$50,000 - 99,999 _____	over \$1,000,000 _____
\$100,000 - 499,999 _____	

10. In your opinion, what is the attitude of your customers toward Sunday openings?

Neutral\_\_\_ Against\_\_\_ Slightly against\_\_\_ For\_\_\_ Slightly for\_\_\_

11. In your opinion, what is the overall attitude of employees toward Sunday openings?

Neutral\_\_\_ Against\_\_\_ Slightly against\_\_\_ For\_\_\_ Slightly for\_\_\_

12. Are your employees represented by a labor union(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, which one(s)? \_\_\_\_\_  
 \_\_\_\_\_

If Retailer Is Open on Sunday, Answer These Questions:

13. How do your business costs on Sunday compare with the other days of the week?

Same \_\_\_\_\_ Lower \_\_\_\_\_ Higher \_\_\_\_\_

14. How does your average sale per customer on Sunday compare with the average sale on other days of the week?

Same \_\_\_\_\_ Lower \_\_\_\_\_ Higher \_\_\_\_\_

15. From your observation, are family purchases more prevalent on Sunday?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Retailer Is Not Open on Sunday, Answer These Questions:

16. Do you take orders by telephone on Sunday?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes what approximate percentage of your total weekly sales occurred by Sunday telephone sales orders in the years

1956	1959	1961
under 5% _____	under 5% _____	under 5% _____
5 - 24% _____	5 - 24% _____	5 - 24% _____
over 25% _____	over 25% _____	over 25% _____

17. Do you have a common agreement with other retailers not to be open on Sunday?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, is the agreement

Top management policy \_\_\_\_\_

With competitors \_\_\_\_\_

With a retail merchants' association \_\_\_\_\_

Other (state) \_\_\_\_\_

Retailers' Impressions of State Sunday Closing Law

18. Does your state have a Sunday closing law?

Yes \_\_\_\_\_ No \_\_\_\_\_

19. Do you feel that the state Sunday closing law has affected your sales?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, how? \_\_\_\_\_

20. Do you feel your competitors in this area are complying with the Sunday closing law?

Yes \_\_\_\_\_ No \_\_\_\_\_

21. What is your impression of your state Sunday closing law? \_\_\_\_\_

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## EXHIBIT 2

INSTRUCTIONS TO INTERVIEWERS  
SURVEY OF RETAILERS ON SUNDAY SELLING  
FOR PILOT AND AGGREGATE STUDIES

This is a study on Sunday selling and problems of selected business firms and of their opinions toward Sunday openings.

The information will be obtained by personal interview with a person who has some management responsibilities. In most cases that person will be the owner, manager, or assistant, or president of the company. In a few cases it may be a greatly informed employee. A follow-up mailed form will be used to verify the personal interview.

This study concerns department stores, discount houses, drug stores, and groceries. For the purpose of the study, these businesses are limited within your metropolitan area.

Only substantially completed interviews will be accepted. Should you get only part of the information needed and for some reason not be able to complete the interview, that questionnaire will be marked "not complete" on the top front page.

While it is hoped and expected to have a preponderance of full and complete interviews, at times a respondent will refuse to give certain information. In such cases, fill in the information obtained and for those parts not answered simply insert the term, "This information declined."

Under no circumstances should the interviewer "make-up" answers. (The mail follow-up will take care of such situations.)

This same survey form has been used in a pilot study, so certain probabilities are known. From the experience gained in the pilot study several recommendations can be made:

1. Don't put off until "next week" making the interview.
2. Do some forward planning. This would involve use of city directories, telephone directories, and at times a telephone call for appointment.

Whether or not you are able to complete the interview after starting it will depend almost entirely on you. There are several fundamental principles of interviewing that must be followed if you expect to finish the interview and obtain complete and honest answers.

First, the approach you make is most important. Your personal appearance will give an impression that will influence the man's reception of you. Dress neatly and wear appropriate clothing. A business suit may be best; at least wear a dress shirt and tie, not sports clothing.

In most businesses which employ more than one or two, in attempting to see the president or owner, you will first approach a receptionist or perhaps his secretary. Introduce yourself to that person and state the name of your school. Emphasize the fact that you are conducting a marketing research survey and that you would like to talk with the owner or manager of the company. If the person with whom you wish to talk is not available, ask when he will be able to see you, and return at that time. It might be well to make an appointment and return at the designated hour.

If the owner or manager is not busy, the secretary or receptionist will send or take you to his office or desk in the general merchandise stores. In a grocery or drug store most employees can

usually direct you to the manager.

Introduce yourself to the manager and tell him that your school is participating in a marketing research project concerning Sunday selling. State that you would appreciate his taking a few minutes to answer several questions for you. Emphasize that the questionnaire is short and will require a maximum of five minutes to complete; and, if he would prefer, that you will return at another time that may be more convenient for him. Unless he is too busy, he will invite you to be seated and proceed with the interview.

This interview is to be conducted only with the manager or owner of the business. Before starting the questioning, make sure you are talking with the right person.

At this point state the purpose of the study. Tell the manager, "The purpose of this study is to learn the attitudes of selected retailers on Sunday retailing. Your identity will not be revealed in any way; your answers will be tabulated with the several thousand other interviews. The information you give us will be kept strictly confidential; it will not be used in any way except tabulated with all other interviews, and only total results will be reported." Make this point clear; otherwise, the potential respondent will not grant you the interview. Remember at all times YOU will be expected to honor this and keep strictly confidential anything the person tells you!

It is important to remember throughout the entire interview that you are in reality a guest of the manager and that you are taking several minutes of his time. He is granting the interview to help you. If he requests, he may receive a copy of the findings upon publication. Therefore, it is expected that you will conduct yourself in a polite,

courteous, and business-like manner and take up as little of his time as possible.

The manager is a business man; he will respond more readily to an interview conducted on a business basis. That means you must know the questions to ask so well that you do not hesitate or fumble around. Learn the questions! Practice them over and over, reading each one aloud until you can easily and readily ask the questions properly.

Keep in mind that this study has many benefits:

1. It permits you to achieve a goal of marketing research -- that is, adjustment to interviewing by learning first hand what a fair number of businesses and businessmen are like.
2. The study should represent a significant contribution to your total knowledge of Sunday selling operations.
3. You are, by being a part of the study, made aware of many important marketing implications. As such, marketing should take on a new and more informed meaning for you.

A good interview is one conducted in a conversational manner. By handling it as a conversation, you will obtain the information without the person realizing you are questioning him in such detail. An interview conducted in a direct third-degree question-and-answer method is unpleasant and awkward, and may give the impression the questions are foolish. You must be thoroughly familiar with the questions to be able to handle the interview as a conversation.

To save interviewing time, some questions are answerable by observation. The business classification will be known in advance.



You can observe whether these stores typically carry general or limited types of merchandise, but possibly you may have to ask whether this business is a chain or independent operation. (If this is obvious, this can be marked; but in case of doubt, inquire.) The location of the business is observable. Many times the usual store hours may be found on the door. Be sure to mark any odd-hour days; e.g., a grocer may be open from 7 - 7 Monday through Thursday and 7 - 9 on Friday and Saturday. Include in your answer all hours open for all days. If the sign shows Sunday store hours or lack of them, another question is answered.

There are a number of short phrases or comments that you can make before asking the questions that will make the interview considerably smoother than merely asking questions. For example, phrases such as "Would you mind telling me --- (ask the question) ---?" ... "I'd like to ask --- (ask the question) ---?" and similar phrases inserted frequently during the interview make it more conversational and more pleasant for all concerned.

When you have completed the interview, thank the manager for giving you his time and tell him that you appreciate his help in this project. Do not stay any longer than is necessary. Leave as politely and courteously as you entered.

If necessary, as soon as practical and while the information is still fresh in your mind, write out on the back of the questionnaire explanations of any of the answers that would need such response or clarification. Remember this is a touchy subject in many areas. The job is to collect facts for actual evidence, not emotions.

EXHIBIT 3A

STATISTICAL PROCEDURES FOR PAST STUDY  
IN HOUSTON, TEXAS

An attempt is made in this probability sample to obtain a relative size of the sample strata in line with the allocation of time and cost expended for the results. The relative size of the sample is small. Main emphasis statistically can only be placed on the total number of observations gathered from the population, rather than the development of sample strata per se. Proportion-  
alism was used as a general guide, but because of major complexi-  
ties within the strata, it was impossible to follow this complete  
mathematical procedure. Evaluating one department store or one  
discount house could cause no basis for comparison. Yet it is  
felt that the more populated drug stores and groceries would be  
adequately represented in the sample to give some indication of the  
total picture. A breakdown of the stratified sample size shows the  
true population being represented by the smaller strata. However,

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<u>Item Sampled</u>	<u>Number Sampled</u>	<u>Number in Population</u>	<u>Percent of Sample</u>	<u>Percent of Population in Group</u>
Department Stores	2	18	4.9	11
Discount Houses	3	27	7.2	11
Drug Stores	10	319	24.4	3
Groceries	26	1227	63.5	3
Total	41	1691	100.0	28

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the overall totals give a sample size of three percent of the total  
population. This is adequate enough to draw some generalization of

the reliability of some of the general statements that are made, but too small to prove statistical relevance of finite sub-classifications of the data.

### Estimation of Intervals

Six of the questions in the questionnaire are used as a basis for determining the reliability of sample estimate. This group is a basis for developing some confidence in the sample at hand, as these questions are valued between the 30 to 70 percent needed for normal approximation to the sampling distribution for samples less than 100.

1. Person Interviewed      Owners 60.9%      Managers 39.1%

$$p = \sqrt{\frac{p \cdot q}{n}}$$

Where

- p = standard error of the percentage
- p = percentage of items in the sample possessing a certain characteristic
- q = percentage of items in the sample not possessing a certain characteristic
- n = sample size

$$p = \sqrt{\frac{.61 \times .39}{41}} = \sqrt{\frac{.2379}{41}} = \sqrt{.0057} = 7.5\%$$

Here the 95 percent confidence interval would be 15 percent. This question shows 95 percent confidence that the population percentage of owners to be interviewed is between 46 and 76 percent.

5. Stores open on Sunday 63%

$$p = \sqrt{\frac{.63 \times .37}{41}} = \sqrt{\frac{.2331}{41}} = \sqrt{.0057} = 7.5\%$$

Again the 95 percent confidence interval would be 15 percent. Here there is 95 percent confidence that the population percentage of the types of stores sampled open on Sunday lies

between 48 and 78 percent.

7. Resort to or continue Sunday openings 61%

$$p = \sqrt{\frac{.61 \times .39}{41}} = \sqrt{\frac{.2379}{41}} = \sqrt{.0057} = 7.5\%$$

Here we are 95 percent sure that the population percentage of stores that will continue or will resort to Sunday openings is 46 to 76 percent.

10. Opinion of customer attitudes for Sunday openings 61%

Results would be the same as for question 7.

11. Opinion of employee attitudes against Sunday openings 41%

$$p = \sqrt{\frac{.41 \times .59}{41}} = \sqrt{\frac{.2419}{41}} = \sqrt{.0059} = 7.7\%$$

Here 95 percent confident opinions of employee attitudes against Sunday openings will fall between 26 and 56 percent.

20. Competitors complying with Sunday closing laws 54%

$$p = \sqrt{\frac{.54 \times .46}{41}} = \sqrt{\frac{.2484}{41}} = \sqrt{.0061} = 7.8\%$$

Competitors complying with the Sunday closing law will fall between 38 percent and 70 percent, with 95 percent confidence.

Naturally these sample values of the percentage of  $p$  events would become a more precise measure of the interval as the size of the sample is increased. To evaluate what size of sample is necessary, these same questions will be used as a basis of estimating the actual sample size necessary for this project.

#### Estimation of Sample Size

The estimation of sample size for this survey is employed by using a  $z$  test to establish the prerequisites of 90 percent confidence that the sample percentages will be within 4 percent tolerance error of the population percentage. The formula for this problem is:

$$z = \frac{TE}{\sqrt{\frac{pq}{n}}}$$

Where

$z$  = standard error of the mean  
 $TE$  = tolerance error of the universe  
 $p$  = percentage of items in the sample possessing a certain characteristic  
 $q$  = percentage of items in the sample not possessing a certain characteristic  
 $n$  = size of the sample

1. Owners interviewed 61%

$$z = 1.645 = \frac{4}{\sqrt{\frac{pq}{n}}} = 2.71 = \sqrt{\frac{16}{.61 \times .39}} = 2.71 \sqrt{\frac{16}{.2379}} =$$

$$2.71 = \frac{16n}{.2379} = 2.71 \times .2379 = 16n = \frac{64.46}{16} = n = 403$$

With a sample of 403 with 90 percent confidence, the chances are 90 out of 100 that the sample percentage will be within 4 percent of the universe percentage.

5. Stores open on Sunday 63%

$$z = 1.645 = \frac{4}{\sqrt{\frac{pq}{n}}} = 2.71 = \sqrt{\frac{16}{.63 \times .39}} = 2.71 \sqrt{\frac{16}{.2331}} =$$

$$2.71 = \frac{16n}{.2331} = 2.71 \times .2331 = 16n = \frac{63.17}{16} = n = 395$$

7. Resort to or continue Sunday openings 61%

Same as question 1. Size of  $n = 403$ .

10. Opinion of customer attitudes for Sunday openings 61%

Results are the same as question 7: size of  $n = 403$ .

11. Opinions of employee attitudes against Sunday openings 41%

$$z = 1.645 = \frac{4}{\sqrt{\frac{pq}{n}}} = 2.71 = \sqrt{\frac{16}{.41 \times .59}} = 2.71 \sqrt{\frac{16}{.2419}} = 2.71$$

$$= \frac{16n}{.2419} = 2.71 \times .2419 = 16n = \frac{65.31}{16} = n = 408$$

20. Competitors complying with Sunday closing law  $\frac{54}{16}\%$

$$z = 1.645 = \frac{4}{\sqrt{\frac{pq}{n}}} = 2.71 = \sqrt{\frac{.54 \times .46}{n}} = 2.71 \sqrt{\frac{.2484}{n}} =$$

$$2.71 = \frac{16n}{.2484} = 2.71 \times .2484 = \frac{67.32}{16} = n = 421$$

From the indications of these questions, approximately 450 samples are necessary to give the specified reliability desired.

#### Measurement of Management Opinions

This model is applied to questions 6, 7, and 8 to show the lack of significant correlation between owner and manager attitudes.

6. Do you believe there is a trend toward Sunday openings?

<u>Attitude</u>	<u>Manager</u>	<u>Owner</u>	<u>Total</u>
	fa1	fa2	Na
Yes	7	12	19
	fb1	fb2	Nb
No	9	12	21
	N1	N2	T
Total	16	24	40*

\* Don't know answers not included.

$$\text{correlation coefficient} = \frac{Tfa^2 - NaN2}{\sqrt{N1NbNaN2}} = \frac{40.12 - 19.24}{\sqrt{(16)(21)(19)(24)}} =$$

$$\frac{480 - 456}{(4)(4.6)(4.4)(4.9)} = \frac{24}{397} = + .06$$

7. Do you feel you will have to resort to (or continue) Sunday openings in the future?

<u>Attitude</u>	<u>Manager</u>	<u>Owner</u>	<u>Total</u>
Yes	9	17	26
No	7	8	15
Total	16	25	41

$$\frac{41.17 - 26.15}{\sqrt{(16)(15)(26)(25)}} = \frac{687 - 390}{(4)(3.9)(5.1)(4.9)} = \frac{297}{490} = + .61$$

## 8. Are you in favor of Sunday openings?

<u>Attitude</u>	<u>Manager</u>	<u>Owner</u>	<u>Total</u>
Yes	5	4	9
No	<u>11</u>	<u>21</u>	<u>32</u>
Total	16	25	41

$$\frac{41.4 - 9.25}{\sqrt{(16)(32)(9)(25)}} = \frac{164 - 225}{(4)(5.7)(3)(5)} = \frac{-61}{342} = -.18$$

## EXHIBIT 3B

UNFAVORABLE IMPRESSIONS OF THE  
TEXAS SUNDAY CLOSING LAW  
REPORTED IN PILOT STUDY IN HOUSTON, TEXAS

<u>Impression</u>	<u>Number Replying</u>	<u>Percent of Total Sample</u>
Blue law should be abolished.	9	21.0
The law should be clarified.	8	20.0
The law is too strict.	5	12.0
Either close all stores or open them all.	4	10.0
The law is inadequate -- lacks enforce- ability.	3	7.5
It's a discount house law.	2	5.0
Change the law -- close the large stores and let the small ones remain open.	1	2.5
A pressure of the old-line merchants.	1	2.5
No impression	<u>1</u>	<u>2.5</u>
Total	34	83.0

Source: Primary

## EXHIBIT 3C

## LOCATION OF RETAILERS INTERVIEWED IN HOUSTON, TEXAS

<u>Location</u>	<u>Retailers Interviewed</u>	<u>Percent of Sample</u>
Central Business District	4	10
Neighborhood	23	56
Suburban	<u>14</u>	<u>34</u>
Total	41	100

Source: Primary

## EXHIBIT 3D

## HOUSTON STORES OPEN EVENINGS

<u>Type Store</u>	<u>Six Evenings</u>	<u>Three to Five Evenings</u>	<u>One or Two Evenings</u>	<u>Total</u>	<u>Open Sun-day Evening</u>
Department Store			2	2	
Discount House	1	2		3	
Drug Store	9			9	6
Grocery	<u>26</u>	<u>—</u>	<u>—</u>	<u>26</u>	<u>12</u>
Total	36	2	2	40	18

Source: Primary

## EXHIBIT 3E

TOTAL STORE HOURS PER WEEK OF SAMPLED  
HOUSTON STORES BY LOCATION

<u>Hours Per Week</u>	<u>Central Business District</u>	<u>Neighborhood</u>	<u>Suburban</u>
50 - 60	2	2	
60½ - 70		2	1
70½ - 80	2	8	3
80½ - 90		1	4
90½ - 100		5	2
100½ - 110		1	1
110½ - 120		4	2
120½ - 130			1

Source: Primary



## EXHIBIT 3F

AVERAGE HOURS OPEN PER DAY OF HOUSTON STORES  
BY TYPE, SIZE, AND LOCATION

<u>Type of Store</u>	<u>Central Business District</u>		<u>Neighborhood</u>		<u>Suburban</u>	
	<u>Daily</u>	<u>Sunday*</u>	<u>Daily</u>	<u>Sunday*</u>	<u>Daily</u>	<u>Sunday*</u>
Department Stores						
\$500,000 - 999,999			8	0		
Over \$1,000,000	8	0				
Discount Houses						
\$100,000 - 499,999			12	0		
Over \$1,000,000			13	0	8½	0
Drug Stores						
\$50,000 - 999,999					12	0
\$100,000- 499,999	10	0	14½	10½	13½	10
Not open past year					13½	10½
Groceries						
Under \$50,000			12½	8	18½	18½
\$50,000 - 999,999	11½	6	14	12	14½	14
\$100,000- 499,999					12	10
\$500,000- 999,999			14½	14½		
Over \$1,000,000			11½	0	11½	0
Not open past year	—	—	—	—	13½	15
Average Hours	9½	6	12½	11	13	13

\*Computation of the Sunday mean average includes stores open on Sunday.

## EXHIBIT 3G

PERCENTAGE RELATIONSHIP OF FAVORABLE MANAGEMENT  
OPINIONS BY LOCATION TO TOTAL SAMPLE RESULTS

<u>Replies</u>	<u>Central Business District</u>	<u>Neighborhood</u>	<u>Sub-urban</u>	<u>Total Sample Results</u>
Trend	50	30.4	71.3	46.3
Resort To or Continue	50	56.5	72.5	61.1
Favor		17.4	35.8	26.8
Customer Attitudes	50	65.0	57.0	61.0
Employee Attitudes		26.0	42.9	29.2

Source: Primary

## EXHIBIT 3H

PERCENTAGE RELATIONSHIP OF FAVORABLE MANAGEMENT  
OPINIONS BY SIZE TO TOTAL SAMPLE RESULTS

<u>Annual Sales Volume</u>	<u>Trend</u>	<u>Resort to or Continue</u>	<u>Favor</u>	<u>Customer Attitude</u>	<u>Employee Attitude</u>
Under \$50,000	87.5	87.5	12.5	87.5	100.0*
\$50,000 - 99,999	58.4	66.7	25.0	66.6	33.3
\$100,000-499,999	44.4	66.7	11.1	44.4	33.4
\$500,000-999,999		50.0	50.0	50.0	50.0
Over \$1,000,000	16.7	16.7	16.7	50.0	
Not in business past year	50.0	75.0	75.0	50.0	50.0
Total sample results	46.3	61.1	26.8	61.0	29.2

\* Percentage of employers with employees.

Source: Primary

## EXHIBIT 3I

REASONS GIVEN FOR SUNDAY OPENINGS AND CLOSINGS  
BY TYPE OF BUSINESS FOR HOUSTON PILOT STUDY

<u>Why Open</u>	<u>Department Store</u>	<u>Discount House</u>	<u>Drug Store</u>	<u>Grocery</u>
Customer Demand		1	5	5
Competition			3	8
Meet Expenses				2
Management Policy				2
Total		1	8	17
<u>Why Close</u>				
No Demand	1		2	
Religion		1		1
Day of Rest	1			2
Enough Business		1		2
More Expense				1
Management Policy				2
Location				1
Total	2	2	2	9

Source: Primary

## EXHIBIT 3J

NUMBER AND PERCENTAGE OF STORES SURVEYED BY LOCATION  
OPEN ON SUNDAY IN HOUSTON FOR THE YEARS 1956, 1959, 1961

<u>Location</u>	1956		1959		1961	
	<u>Number</u> <u>Open</u>	<u>Percent</u> <u>of Total</u>	<u>Number</u> <u>Open</u>	<u>Percent</u> <u>of Total</u>	<u>Number</u> <u>Open</u>	<u>Percent</u> <u>of Total</u>
Central Business District	1	11.1	2	12.5	2	7.7
Neighborhood	7	77.8	10	62.5	14	53.8
Suburban	<u>1</u>	<u>11.1</u>	<u>4</u>	<u>25.0</u>	<u>10</u>	<u>38.5</u>
Total	9	100.0	16	100.0	26	100.0

Source: Primary

## EXHIBIT 3K

ACTUAL AND PERCENTAGE CHANGE OF SUNDAY SALES  
BY TYPE OF STORE FROM 1956-1961

<u>Type Store</u>	Increase		Stable		Decrease		New		Total	
	<u>Num-</u> <u>ber</u>	<u>Per-</u> <u>cent</u>	<u>Num-</u> <u>ber</u>	<u>Per-</u> <u>cent</u>	<u>Num-</u> <u>ber</u>	<u>Per-</u> <u>cent</u>	<u>Num-</u> <u>ber</u>	<u>Per-</u> <u>cent</u>	<u>Num-</u> <u>ber</u>	<u>Per-</u> <u>cent</u>
Drug Store			2	25	3	37.5	3	37.5	8	100
Grocery	<u>3</u>	16.6	<u>5</u>	28	<u>3</u>	16.6	<u>7</u>	38.8	<u>18</u>	100
Total	3		7		6		10		26	

Source: Primary

## EXHIBIT 3L

COMPARISON OF SUNDAY SALES TO SALES VOLUME  
IN HOUSTON, TEXAS, 1961

<u>Sales Volume</u> <u>1961</u>	<u>Under 10</u> <u>Percent</u>	<u>10-19</u> <u>Percent</u>	<u>20-29</u> <u>Percent</u>	<u>30-39</u> <u>Percent</u>	<u>Over 50</u> <u>Percent</u>	<u>Total</u>
Under \$50,000	2	4	1			7
\$50,000-99,999	3	1	2	1	1	8
\$100,000-499,999	4	3				7
\$500,000-999,999		1				1
Not in business						
past year	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>3</u>
Total	10	10	4	1	1	26

Source: Primary

EXHIBIT 4A

QUESTIONNAIRE FOR STUDY  
SURVEY OF RETAILERS ON SUNDAY SELLING

Person Interviewed

1. Owner \_\_\_\_\_ Manager \_\_\_\_\_ Employee \_\_\_\_\_

The Business

2. Business Classification (Check appropriate space(s).)  
Department Store \_\_\_\_\_ Chain \_\_\_\_\_ Merchandise Handled  
Discount House \_\_\_\_\_ Independent \_\_\_\_\_ Limited \_\_\_\_\_  
Drug Store \_\_\_\_\_ General \_\_\_\_\_  
Grocery \_\_\_\_\_

3. Location of the Business (Check appropriate blanks.)

Central business district \_\_\_\_\_ Neighborhood \_\_\_\_\_ Suburban \_\_\_\_\_  
Independent Store \_\_\_\_\_ In Shopping Center \_\_\_\_\_

4. What are your usual store hours?

Day \_\_\_\_\_ Sunday \_\_\_\_\_

5. If business has Sunday store hours, check "yes" for being open;  
if not, check "no."

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what approximate percentage of your total weekly sales  
occurred on Sunday in the years (No entry in columns assumes the  
store is new or there has been a change in management in past  
years.)

1960	1962	1964
under 9% _____	under 9% _____	under 9% _____
10 - 14% _____	10 - 14% _____	10 - 14% _____
15 - 19% _____	15 - 19% _____	15 - 19% _____
20 - 24% _____	20 - 24% _____	20 - 24% _____
25 - 29% _____	25 - 29% _____	25 - 29% _____
over 30% _____	over 30% _____	over 30% _____

6. Do you believe more stores like yours are opening on Sunday?

Yes \_\_\_\_\_ No \_\_\_\_\_

7. Do you feel you will have to resort to (or continue) Sunday openings in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why? \_\_\_\_\_

8. Are you in favor of Sunday openings?

Yes \_\_\_\_\_ No \_\_\_\_\_

9. What was your approximate sales volume in the past year? (Check one.)

under \$50,000 \_\_\_\_\_ \$500 000 - 999,999 \_\_\_\_\_  
 \$50,000 - 99,999 \_\_\_\_\_ over \$1,000,000 \_\_\_\_\_  
 \$100,000 - 499,999 \_\_\_\_\_ Not in business past year \_\_\_\_\_

10. In your opinion, what is the overall attitude of employees toward Sunday openings?

Neutral \_\_\_\_\_ Against \_\_\_\_\_ For \_\_\_\_\_

11. In your opinion, what is the overall attitude of employees toward Sunday openings?

Neutral \_\_\_\_\_ Against \_\_\_\_\_ For \_\_\_\_\_

12. Are your employees represented by a labor union(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, which one(s)? \_\_\_\_\_

If Retailer Is Open on Sunday, Answer These Questions:

13. How does your average sale per customer on Sunday compare with the average sale on other days of the week?

Same \_\_\_\_\_ Lower \_\_\_\_\_ Higher \_\_\_\_\_

14. From your observations, are family purchases more prevalent on Sunday?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Retailer Is Not Open on Sunday, Answer These Questions:

15. Do you take orders by telephone on Sunday?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what approximate percentages of your total weekly sales occurred through Sunday telephone sales orders in the years

1960	1962	1964
under 5% _____	under 5% _____	under 5% _____
5 - 24% _____	5 - 24% _____	5 - 24% _____
over 25% _____	over 25% _____	over 25% _____

16. Do you have a common agreement with other retailers not to be open on Sunday?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, is the agreement

Top management policy \_\_\_\_\_

With competitors \_\_\_\_\_

With a retail merchants' assn. \_\_\_\_\_

Other (state) \_\_\_\_\_

Retailers' Impressions of State Sunday Closing Law

17. Does your state have a Sunday closing law? (If answer is no, end interview.)

Yes \_\_\_\_\_ No \_\_\_\_\_

18. Do you feel that the state Sunday closing law has affected your sales?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, how? \_\_\_\_\_

19. Do you feel your competitors in this area are complying with the Sunday closing law?

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_

20. What is your impression of your state Sunday closing law? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## EXHIBIT 4B

INITIAL LETTER ACCOMPANYING  
QUESTIONNAIRE FOR SURVEYC  
O  
P  
YCorrespondence Study Department  
General Extension Division  
Louisiana State University  
Baton Rouge, Louisiana 70803

Dear Manager:

Isn't it time we straightened out how businesses such as yours should be influenced by some laws?

Certainly, several laws cause certain stores to benefit, while hurting others at the same time. Particularly, the laws affecting Sunday retailing seem to have an influence on many businesses -- probably yours. In order to clear up some of the thinking about these Sunday selling laws and their influences, I'm conducting an academic study on this area of importance to retailers for my doctoral dissertation in Marketing at Louisiana State University.

Your reactions to the questions on the attached questionnaire are extremely important. Based on responses of a select group of retailers like yourself, I will be able to complete my study -- hopefully clearing the muddy waters surrounding our Sunday retailing laws. It takes only five minutes of your time; your answers will be strictly confidential; and your name and store name will not be used. Will you help me in this important study? As the selected representative for your geographic area, your answers and cooperation are extremely important.

Studies such as this lead to needed and wanted changes in laws that directly affect you and your operations. Cast your opinion vote today . . . the future will be positively affected.

Yours truly,

s/ Fred R. Endsley

Fred R. Endsley

jg

## EXHIBIT 4C

FOLLOW-UP LETTER ACCOMPANYING  
QUESTIONNAIRE FOR SURVEYC  
O  
P  
YCorrespondence Study Department  
General Extension Division  
Louisiana State University  
Baton Rouge, Louisiana 70803

Dear Manager:

Your store may be in trouble! What would you do if your market's Sunday selling policies were suddenly changed? Such changes are occurring more and more frequently in the U. S. Store managers, like yourself, can bring some sense to Sunday Selling Laws by making your thoughts known about this critical area.

As a store manager you have a stake in the outcome of this confidential study which I'm conducting for my doctoral dissertation in Marketing at Louisiana State University. An analysis like this one helps bring sense to this perplexing problem. You represent your geographic area. Thus, your carefully protected answers and cooperation are vital for the completion of this analysis and the enlightenment which will follow.

For only five minutes of your time, you will invest in one aspect of a better retailing future which will directly affect you and your store's operation.

Only through your help will the study be valid. Will you answer today?

Yours truly,

s/ Fred R. Endsley

Fred R. Endsley

jg



EXHIBIT 5

PRESENT STATE SUNDAY CLOSING  
LAWS IN THE UNITED STATES

ALABAMA

Law

Title 14, Section 420, Code of 1940. (Supplement, 1953)  
(Recompiled, 1958).

Constitutional.

Restrictions

Merchant or shopkeeper.

Exemptions

Items: Newspapers, gasoline and oil, ice, ice cream,  
confectionery, and fruit.

Type Business: Continuous process manufacturing, news-  
stands, auto repair shops, drugs, rail-  
roads, florist shops, ice cream, lunch  
stand or restaurant, delicatessens, plants  
engaged in the manufacture or sale of ice,  
fruit stands, superettes, steamboats,  
communications, and public utilities.

Works of charity and necessity.

Penalties

\$10 to \$100; three months.

ALASKA

No Law

ARIZONA

No Law

ARKANSAS

Law

No state-wide statute in force.

Exemptions

Type Business: Continuous process manufacturers.

Works of charity and necessity.

Penalties

\$25 to \$100; \$100 to \$250 for liquor.

CALIFORNIA

No Law

COLORADO

No Law

CONNECTICUTLaw

Connecticut general statute, Section 53-301 to 53-303, 1958. (Supplement, 1959).

Restrictions

Against employment and store openings.

Exemptions

Items: Drugs, newspapers, gas and oil, ice, ice cream, confectionery, tobacco and smoke supplies, dairy products, eggs, baking goods, necessary repairs, medical supplies, magazines, fresh agricultural products.

Type Business: Drug stores, gas stations and persons with another Sabbath upon filing notice of belief.

Works of charity and necessity.

Penalties

\$50.

DELAWARELaw

Delaware Code Annotated, Volume 12, Title 28, Section 906, 1953 Code. (As amended, 1955). Municipal Provisions only.

Constitutional.

Restrictions

Left up to municipal governments (incorporated cities or towns).

Penalties

First ~ \$10-\$50, and/or ten days.

Second ~ \$50-\$250, and/or two months.

FLORIDALaw

Unconstitutional.

GEORGIALaw

Georgia Code Annotated, Section 26, 6903-6920, (1935).

Constitutional.

Restrictions

All business and work.

Exemptions

Items: Perishable farm products, growing plants, and perishable seed.

Type Business: Motion pictures, athletic events, and gas stations.

Works of charity and necessity.

Penalties

Misdemeanor.

HAWAII

No Law

IDAHO

No Law

ILLINOIS

No Law

INDIANA

Law

Burns Indiana Statute Annotated, Section 10, 4301, 4305, 1956. (As amended, 1959).

Constitutional.

Not enforced.

Restrictions

Sale of motor vehicles.

Exemptions

Items: Drugs and newspapers.

Type Business: Drug stores, newspapers, and persons who observe a day other than Sunday as the Sabbath.

Works of charity and necessity.

Penalties

Sale of automobiles.

First offense - \$100 and/or 10 days.

Second offense - \$500 and/or 30 days.

Third offense - \$750 and/or 6 months.

Other offenses - \$1 to \$10.

IOWA

No state-wide statute in force.

KANSASNo LawKENTUCKYLaw

Kentucky Revenue Statute, 436.160. (1959).

Constitutional.

Not enforced.

Restrictions

All labor, employment, and business.

Exemptions

Items: Gas, oil, and oil products.

Type Business: Gas stations, athletic games, motion pictures, opera, and people who observe the Sabbath on another day.

Works of charity and necessity.

Penalties

\$2 to \$50.

LOUISIANALaw

Louisiana Revenue Statute (1950), R. S. 51:191-195, and Act 273 of 1962.

Restrictions

Wearing apparel, lumber or building supplies, furniture, home or business furnishings and household, office, or business appliances.

Stores and places of business close at midnight Saturday and stay closed twenty-four hours.

Exemptions

Items: Milk, bread, eggs, newspapers, ice, ice cream, medicine, burial supplies for charitable purposes, for funerals or burials, real estate, drugs,

medicines and medical or surgical supplies, and appliances.

Type Business: Book stores, restaurants, real estate brokers, bakeries, and meat markets.

#### Penalties

First offense - Not more than \$100.

Second offense - Imprisonment for not more than 6 months or fine of more than \$500, or both.

### MAINE

#### Law

Maine Revenue Statute Annotated, Chapter 134, Section 38.45 (1954). Title 17 Section 3201-09 (1964).

Constitutional.

#### Restrictions

Store openings or any labor prohibited.  
Motor vehicles and mobile homes.

#### Exemptions

Items: Gifts, souvenirs, drugs, gas, oil, ice cream, newspapers, and groceries.

Type Business: Drugstores, gas stations, ship chandlers, a store less than 5,000 square feet in size with less than six employees, people who observe another day as the Sabbath.

Retail monument dealers greenhouses, dairy products, selling boats, boating equipment, souvenirs and novelties, real estate.

Works of charity and necessity have local option.

#### Penalties

\$100 to \$200

First offense - \$100 and/or 30 days.

Second offense - \$500 and/or 60 days.

Third offense - \$1,000 and/or 90 days.

MARYLANDLaw

Maryland Code Annotated, Section 492-534, Article 27  
(Supplement, 1965).

Constitutional.

Not enforced.

Restrictions

Performing or employing labor prohibited.

Exemptions

Items: Drugs, gas, oil, newspapers, milk, bread, eggs,  
tobacco, ice, ice cream, medicines, candy, soda,  
vegetables. Special regulations allowing other  
items in Anne Arundel and Howard Counties.

Penalties

\$5 to \$1,000; ten to sixty days.

\$20 to \$50.

\$50 to \$500 and/or 20 days.

MASSACHUSETTSLaw

Massachusetts General Laws, Annotated (Supplement, 1964),  
Chapter 136, Paragraphs 5 and 6, 1964.

Constitutional.

Restrictions

Selling or any labor or work prohibited. Stores may not  
open.

Exemptions

Items: Fuels, restaurants, newspapers, drugs and medi-  
cines; time restrictions on several items and  
foodstuffs. Police permission for hardship  
cases. Foodstuffs, if not more than two people,  
including proprietor, are employed.

Real estate, automobile supplies, plants, bakery  
products, gifts, souvenirs, antiques. pets.

Sabbath, if observed on another day.

Works of charity and necessity.

Penalties

\$20 to \$100.

\$50 to \$200 each subsequent offense.

MICHIGAN

No Law

MINNESOTA

Law

Minnesota Statute Annotated (1963, Section 624.01)

Constitutional.

Not enforced.

Restrictions

Store openings and employment prohibited.

Exemptions

Items: Drugs medicines, ice, ice cream, confectionery, newspapers, restaurants, tobacco, fruits, surgical appliances.

Works of charity and necessity.

Penalties

\$1 to \$10 or 5 days.

MISSISSIPPI

Law

Code Annotated. Section 2369. Amended, 1964.

Restrictions

Store openings and employment prohibited.

Exemptions

Items: Medicines, gas and oil, ice, ice cream, confectionary, newspapers, books, maps, food, pamphlets, refreshments and beverages, surgical



supplies, vitamins, sanitary goods, veterinary supplies, toiletries, shaving and grooming supplies, souvenirs postcards, garden and lawn supplies, funeral and burial supplies.

Works of charity and necessity.

#### Penalties

Not more than \$200.  
\$200 to \$500, subsequent.

### MISSOURI

#### Law

Vernon's Missouri Statute, Annotated (1963) Section 563.921.

Constitutional.

Enforced.

#### Restrictions

Store openings and employment prohibited.  
Motor vehicles; clothing and wearing apparel; clothing accessories; furniture, housewares; home, business, and office furnishings; household, business, and office appliances; hardware; tools; paints; building and lumber supply materials; jewelry; silverware; watches; clocks; luggage; musical instruments; recording machines; toys.

#### Exemptions

Items: Drugs, medicines, and immediate necessities.

Type Business: Persons who observe another day of Sabbath. Souvenirs and novelties.

Works of charity and necessity.

#### Penalties

\$100  
\$200 and/or 30 days.

### MONTANA

#### No Law

NEBRASKANo LawNEVADANo LawNEW HAMPSHIRELaw

New Hampshire Revenue Statute Annotated (1955), Sections 578, 3-13.

Restrictions

Store openings and all work and business prohibited.

Exemptions

Items: Milk, bread, drugs, medicines, and other necessities.

Towns and cities may regulate or permit openings based on referendum approval.

Works of charity and necessity.

Penalties

\$10 and/or 30 days.

NEW JERSEYLaw

New Jersey Statute Annotated (1939-53), A. B. 25, Laws of 1959.

Constitutional.

Not enforced.

Restrictions

Store openings based on county option. Motor vehicles specifically prohibited.

Exemptions

Items: Drugs and perishable agricultural products.

Type Business: Drug stores, and persons who observe another day as Sabbath.

Works of charity and necessity.

Penalties

\$25 to \$200; thirty days.

NEW MEXICO

Law

New Mexico Statute Annotated (1953), Sections 40-44-1 to 40-44-5. Repealed by Laws (1963). Chapter 303, Paragraphs 30, 31.

NEW YORK

Law

McKinney's New York Laws, Penal Law Annotated 192, Section 2140-2153. Section 2154 added in 1965.

Constitutional.

Enforced.

Restrictions

Labor prohibited. Public offering or selling prohibited.

Exemptions

Items: Bread, milk, eggs, ice, soda, fruits, flowers, confectionery, newspapers, food between certain hours, magazines, gas, oil, medicine, and surgical instruments, 1965.

Labor permitted only for people who observe another day as the Sabbath, 1950.

Works of charity and necessity.

Penalties

\$5 to \$20; five to twenty days.

NORTH CAROLINA

No Law

NORTH DAKOTALaw

North Dakota Century Code (1960), Section 12-2115.

Restrictions

All retail selling and all employment.

Exemptions

Items: Drugs, medicines, surgical appliances, milk, ice cream, fruits, candy, confectionery, tobacco, newspapers, magazines, and gas and oil products.

Type Business: Service stations, restaurants, and persons who observe the Sabbath on another day (exception doesn't apply to selling).

Works of charity and necessity.

Penalties

\$1 to \$50, one to twenty days.

OHIOLaw

Page's Ohio Code Annotated (1958), Section 3773.26.

Constitutional.

Not enforced.

Restrictions

Store openings and general work prohibited.

Exemptions

Items: Drugs.

Type Business: Persons who observe another day as the Sabbath.

Works of charity and necessity.

Penalties

\$25 to \$200, five to thirty days.

OKLAHOMALaw

Oklahoma Statute Annotated (1958), 907-911, Title 21.

Constitutional.

Not enforced.

Restrictions

All public selling and trade and employment.

Exemptions

Items: Drugs, gas products, meat, fish, other foods, milk, bread, and sale of necessities.

Type Business: Drugstores, service stations, and people who observe another day as the Sabbath.

Works of charity and necessity.

Penalties

\$25.

OREGONNo LawPENNSYLVANIALaw

Pendon's Pennsylvania Statute Annotated (1945-57),  
Penal Code 4699.4.

Constitutional.

Enforced.

Restrictions

All employment and businesses; clothing, furniture, appliances, building materials and supplies, jewelry, luggage, toys, and musical instruments.

Exemptions

Items: Novelties and souvenirs not specifically prohibited, also milk, bread, eggs, and newspapers.

Penalties

\$100 to \$200, thirty days.

RHODE ISLANDLaw

Rhode Island General Laws (1956), Title 11, Chapter 40.

Restrictions

Employment prohibited, 1938.

Exemptions

Work of absolute necessity.  
Local options.

Penalties

\$25 for each employee.  
\$200 for each offense.

SOUTH CAROLINALaw

South Carolina Code Laws, Section 64.6, Chapter 8, as amended. (Supplement, 1962). 642.2.

Constitutional.

Enforced.

Restrictions

Retail employment. Clothing and clothing accessories; housewares; china, glassware, kitchenware; home, business, and office furnishings and appliances; tools, paints; hardware; building supplies and lumber; jewelry, silverware, watches, radios, television sets, or equipment; sporting goods; yard and piece goods; automobiles, trucks, and trailers.

Exemptions

Type Business: Restaurants.  
Works of charity and necessity.

Penalties

\$50 to \$250.

\$100 to \$500, subsequent offenses.

SOUTH DAKOTALaw

South Dakota Code (1939), Chapter 13.1709.

Not enforced.

Restrictions

Trades and employment prohibited.

Exemptions

Items: Drugs, bread, milk, meat, and fish.

Type Business: Persons who observe another day as the Sabbath.

Works of charity and necessity.

Penalties

\$10.

TENNESSEELaw

Tennessee Code Annotated (1955), Chapter 40, Section 39-400.

Not enforced.

Restrictions

Employment or requiring employment prohibited.

Exemptions

Works of charity and necessity.

Penalties

\$10.

TEXASLaw

Vernon's Texas Penal Code, Annotated 1952. Article 283-286a (Supplement, 1965).

Constitutional.

Not enforced.

Restrictions

Retail selling and employment for any reason on both of the two consecutive days of Saturday and Sunday.

Exemptions

Items: Articles not specifically prohibited; articles for funeral and burial purposes.

Penalties

\$100 to \$500; six months.

UTAHNo LawVERMONTLaw

Vermont Statute Annotated (Revenue, 1959), Section 8548. Title 13, Paragraphs 3301-3305.

Not enforced.

Restrictions

Secular business and employment.

Exemptions

Items: Sports equipment within ten miles, gasoline and services, drugs, local products and food, antiques booklets, newspapers, magazines, tobacco, ice cream, flowers, confectionery, and souvenirs.

Type Business: People who observe another day as the Sabbath.

Works of charity and necessity.



Penalties

\$200.

VIRGINIALaw

Virginia Code (1960), Replacement Volumes (1953 and 1960), Section 18-329.1, Section 18.1-358.1.

Constitutional.

Restrictions

Sale of selected items and employment.  
Farm implements; specific usual items.

Exemptions

Items: Newspapers, magazines, gasoline products, repair parts, souvenirs, film, flash bulbs, shrubbery, self-produced goods, bathing, boating, and fishing equipment on the premises.

People who observe another day as the Sabbath.

Works of charity and necessity

Penalties

\$100 each sole, separate offense.  
\$200 for second or subsequent offense.

WASHINGTONLaw

Washington Revenue Code (1959), R.C.W., Chapter 9.76.

Not enforced.

Restrictions

Retail selling and employing labor.

Exemptions

Items: Tobacco, milk, fruit, confectionery, newspapers, medical and surgical supplies, gasoline, and service for automobiles.

Type Business: Restaurants, service stations, and  
people who observe another day as the  
Sabbath.

Works of charity and necessity.

Penalties

Misdemeanor.

WEST VIRGINIA

No Law

WISCONSIN

No Law

WYOMING

No Law

# EXHIBIT 6

## MEASUREMENT OF MANAGEMENT OPINIONS

A mathematical test is applied to questions 6, 7, and 8 of Exhibit 4A to show the lack of correlation found between owner and manager attitudes.

### 6. More stores like yours opening on Sunday

#### Management

<u>Attitude</u>	<u>Owner</u>	<u>Manager</u>	<u>Total</u>
	fa2	fa1	Na
Yes	291	81	372
	fb2	fb1	Nb
No	123	68	191
	N2	N1	
Total	414	149	563

$$\text{correlation coefficient} = \frac{T \cdot fa2 - NaN2}{\sqrt{N1 Nb Na N2}}$$

$$\frac{563 \cdot 291 - 372 \cdot 414}{\sqrt{(149)(191)(372)(414)}} = \frac{163833 - 154008}{(12.2)(13.8)(19.3)(20.3)} = \frac{9825}{65977} = .14$$

### 7. Resort to or continue

#### Management

<u>Attitude</u>	<u>Manager</u>	<u>Owner</u>	<u>Total</u>
	fa1	fa2	Na
Yes	84	262	346
	fb1	fb2	Nb
No	66	153	219
	N1	N2	T
Total	150	415	565

$$\frac{565 \cdot 262 - 346 \cdot 415}{\sqrt{(150)(219)(346)(415)}} = \frac{148030 - 142590}{(12.2)(14.8)(18.6)(20.4)} = \frac{5440}{68528} = .07$$

## 8. In favor of Sunday openings

## Management

<u>Attitude</u>	<u>Manager</u>	<u>Owner</u>	<u>Total</u>
	fa1	fa2	Na
Yes	46	135	181
	fb1	fb2	Nb
No	103	285	388
	N1	N2	T
Total	149	420	569

$$\frac{569 \cdot 135 - 181 \cdot 420}{(149)(388)(181)(420)} = \frac{76815 - 76020}{12.2 \ 19.9 \ 13.5 \ 20.5} = \frac{795}{69239} = .01$$

# EXHIBIT 7

## RETAILER ATTITUDES TOWARD SUNDAY OPENINGS BY ANNUAL SALES VOLUME FOR THE AGGREGATE STUDY WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT)

ANNUAL SALES VOLUME	AGGREGATE		WITH LAWS		WITHOUT LAWS	
	For	Against	For	Against	For	Against
Under \$50,000	28.6	71.4	21.1	78.9	61.5	38.5
\$50,000 - 99,999	22.3	87.7	20.6	79.4	26.9	73.1
\$100,000 - 499,999	36.4	63.6	35.7	64.3	37.6	62.4
\$500,000 - 999,999	30.8	69.2	35.7	64.3	18.2	81.8
Over \$1,000,000	27.5	72.5	24.6	75.4	34.8	65.2
Not in Business Past Year	50.0	50.0	50.0	50.0		
No Response	40.0	60.0	50.0	50.0		

Source: Primary

## EXHIBIT 8

RETAILER ATTITUDES TOWARD SUNDAY OPENINGS  
 FOR SELECTED METROPOLITAN AREAS BY TYPE, LOCATION, SIZE,  
 AND WHETHER OPEN OR CLOSED ON SUNDAY (IN PERCENT)\*

CLASSIFICATION	NEW ORLEANS		SAN ANTONIO		COLUMBUS		HARTFORD		MEMPHIS		DENVER		SAN JOSE	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
<u>Retail Type</u>														
Department Store		100.0		100.0		100.0		100.0		100.0		100.0	12.5	87.5
Discount House	100.0		100.0		100.0		50.0	50.0	100.0		100.0		66.7	33.3
Drug Store	55.0	45.0	27.3	72.7	51.3	48.7	57.1	42.9	26.1	73.9	29.7	67.6	20.0	80.0
Grocery	24.7	75.3	23.8	76.2	20.0	80.0	12.0	88.0	19.6	80.4	43.4	56.6	52.8	47.2
<u>Location</u>														
Central Business District	33.3	66.7		100.0		100.0	16.7	83.3	25.0	75.0	11.1	88.9	16.7	83.3
Neighborhood	27.1	72.9	27.6	72.4	35.8	64.2	34.6	65.4	20.3	79.7	35.7	64.3	33.3	66.7
Suburbs	42.9	52.4	40.0	60.0	38.5	61.5	33.3	66.7	37.5	62.5	42.9	55.1	40.0	60.0
<u>Annual Sales Volume</u>														
Under \$50,000	12.5	87.5	16.7	83.3	33.3	66.7	33.3	66.7	42.9	57.1	63.6	36.4	50.0	50.0
\$50,000-99,999	29.6	70.4	20.0	80.0	21.4	78.6	12.5	87.5	7.1	92.9	41.2	58.8		100.0
\$100,000-499,999	37.5	58.3	17.7	82.3	44.4	55.6	45.9	54.1	20.5	79.5	33.3	64.8	41.8	56.4
\$500,000-999,999	75.0	25.0		100.0	33.3	66.7	50.0	50.0	25.0	75.0	16.7	83.3	20.0	80.0
Over \$1,000,000	37.5	62.5	42.9	57.1	25.0	75.0		100.0	26.3	73.7	33.3	66.7	36.4	63.6
<u>Not in Business</u>														
Past Year			100.0					100.0	50.0	50.0				
No Response	100.0			100.0						100.0				100.0
<u>Stores Open and Closed</u>														
Stores Open	46.0	52.4	50.0	50.0	57.9	42.1	64.3	35.7	42.1	57.9	52.2	46.4	42.4	56.1
Stores Closed	5.4	94.6		100.0	2.4	97.6	5.9	94.1	7.7	92.3	3.2	96.8	5.9	94.1

\* Percentages may not total 100 because of "no response" answers.

Source: Primary

## EXHIBIT 9

FAVORABLE RETAILER OPINIONS TOWARD MORE  
STORE OPENINGS AND RESULTING EFFECTS  
BY ANNUAL SALES VOLUME FOR THE AGGREGATE STUDY  
WITH AND WITHOUT SUNDAY LEGISLATION (IN PERCENT)

MORE STORE OPENINGS	AGGREGATE	WITH LAWS	WITHOUT LAWS
<hr/>			
<u>Annual Sales Volume</u>			
Under \$50,000	80.0	78.9	84.6
\$50,000 - 99,999	56.4	52.9	65.4
\$100,000 - 499,999	67.5	63.2	74.3
\$500,000 - 999,999	74.4	64.3	100.0
Over \$1,000,000	48.8	42.1	65.2
Not in Business Past Year	75.0	75.0	100.0
No Response	50.0	50.0	
RESORT TO OR CONTINUE			
<u>Annual Sales Volume</u>			
Under \$50,000	61.4	56.1	84.6
\$50,000 - 99,999	50.0	45.6	61.5
\$100,000 - 499,999	67.5	63.2	74.3
\$500,000 - 999,999	64.1	53.6	90.9
Over \$1,000,000	46.3	38.6	65.2
Not in Business Past Year	75.0	75.0	
No Response	40.0	50.0	
<hr/>			

Source: Primary

# EXHIBIT 10

## RETAILER OPINIONS TOWARD RESULTING EFFECTS OF SUNDAY OPENINGS FOR THE SELECTED METROPOLITAN AREAS BY TYPE, LOCATION, SIZE, AND WHETHER OPEN OR CLOSED ON SUNDAY (IN PERCENT)

CLASSIFICATION	NEW ORLEANS		SAN ANTONIO		COLUMBUS		HARTFORD		MEMPHIS		DENVER		SAN JOSE	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
<u>Retail Type</u>														
Department Store		100.0	20.0	80.0		100.0		100.0		100.0	42.9	57.1	37.5	62.5
Discount House	50.0	50.0	100.0		100.0		50.0	50.0	66.7	33.3	100.0		100.0	
Drug Store	66.7	28.6*	45.6	54.4	71.8	28.2	78.6	21.4	60.9	39.1	75.7	21.6*	80.0	16.7*
Grocery	60.3	39.7	52.4	47.6	51.9	46.2*	24.0	76.0	58.9	39.3*	86.1	11.6*	86.5	10.7*
<u>Location</u>														
Central Business District	44.4	55.6		100.0		100.0	33.3	66.7	25.0	75.0	66.7	33.3	66.7	33.3
Neighborhood	62.9	35.7*	55.2	44.8	62.7	35.8*	46.2	53.8	58.1	40.5*	64.3	31.0*	77.1	18.8*
Suburbs	52.4	47.6	60.0	40.0	57.7	42.3	50.0	50.0	50.0	50.0	77.6	22.4	70.0	30.0
<u>Annual Sales Volume</u>														
Under \$50,000	62.5	37.5	16.7	83.3	55.6	33.3*	33.3	66.7	71.4	28.6	63.6	36.4		100.0
\$50,000-99,999	44.4	55.6	40.0	60.0	57.1	42.9	37.5	62.5	42.9	50.0*	64.7	29.4*	55.6	33.3*
\$100,000-499,999	70.8	25.0*	59.9	40.1	66.7	33.3	64.9	35.1	53.8	46.2	33.3	64.8*	80.0	18.2*
\$500,000-999,999	75.0	25.0	100.0		33.3	66.7	50.0	50.0	50.0	50.0	16.7	83.3	100.0	
Over \$1,000,000	37.5	62.5	42.9	57.1	41.7	58.3		100.0	57.9	42.1	58.3	41.7	72.7	27.3
<u>Not in Business</u>														
Past Year			100.0					100.0	100.0					
No Response	100.0			100.0						100.0			100.0	
<u>Stores Open and Closed</u>														
Stores Open	87.3	11.1*	85.0	15.0	91.2	8.8	89.3	10.7	89.5	10.5	94.2	4.3*	90.9	9.1
Stores Closed	10.8	89.2	10.5	89.5	12.2	85.4*	11.8	88.2	28.8	69.2*	19.4	77.4*	11.8	76.5*

\* Don't know answers; therefore does not total 100 percent.

Source: Primary



EXHIBIT 11

RETAILER OPINIONS TOWARD MORE STORE OPENINGS  
FOR SELECTED METROPOLITAN AREAS  
BY TYPE, LOCATION, SIZE AND WHETHER  
OPEN OR CLOSED ON SUNDAY (IN PERCENT)\*

CLASSIFICATION	NEW ORLEANS		SAN ANTONIO		COLUMBUS		HARTFORD		MEMPHIS		DENVER		SAN JOSE	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
<u>Retail Type</u>														
Department Store	25.0	75.0	20.0	80.0	20.0	80.0		100.0		100.0	28.6	71.4	37.5	62.5
Discount House	100.0		100.0		100.0		50.0	50.0		100.0	100.0		100.0	
Drug Store	66.7	33.3	45.6	54.4	64.1	35.9	64.3	35.7	34.8	65.2	51.4	48.6	62.9	37.1
Grocery	79.4	20.6	85.7	14.3	69.2	30.8	37.3	62.7	68.5	31.5	90.6	9.4	97.3	2.7
<u>Location</u>														
Central Business														
District	66.7	33.3	20.0	80.0	40.0	60.0	16.7	83.3	12.5	62.5	44.4	55.6	50.0	50.0
Neighborhood	77.1	22.9	72.4	27.6	67.2	32.8	57.7	42.3	54.1	44.6	64.3	35.7	83.3	16.7
Suburbs	71.4	28.6	40.0	60.0	65.4	34.6	40.0	56.7	50.0	50.0	83.7	16.3	70.0	30.0
<u>Annual Sales Volume</u>														
Under \$50,000	81.3	18.7	83.3	16.7	66.7	33.3	100.0		71.4	28.6	90.9	9.1	50.0	50.0
\$50,000-99,999	51.9	48.1	60.0	40.0	57.1	42.9	25.0	75.0	64.3	28.6	64.7	35.3	66.7	33.3
\$100,000-499,999	87.5	12.5	76.9	23.1	66.7	33.3	59.5	37.8	46.2	51.3	70.4	29.6	78.2	20.0
\$500,000-999,999	100.0				66.7	33.3	50.0	50.0	37.5	50.0	100.0		100.0	
Over \$1,000,000	62.5	37.5	42.9	57.1	66.7	33.3		100.0	42.1	57.9	58.3	41.7	72.7	27.3
Not in Business														
Past Year			100.0					100.0	100.0					
No Response										100.0			100.0	
<u>Stores Open and Closed</u>														
Stores Open	84.1	15.9	75.0	25.0	78.9	21.1	71.4	28.6	68.4	31.6	79.7	20.3	83.3	15.2
Stores Closed	59.5	40.5	47.4	47.4	46.3	53.7	23.5	73.5	36.5	57.7	54.8	45.2	52.9	47.1

Source: Primary

\* Percentages do not total 100 because of "Don't know" and "no response" answers.

## EXHIBIT 13

RETAILER OPINIONS ON CONSUMER ATTITUDES TOWARD SUNDAY OPENINGS  
FOR SELECTED METROPOLITAN AREAS BY TYPE, LOCATION, SIZE, AND WHETHER  
OPEN OR CLOSED ON SUNDAY (IN PERCENT)\*

CLASSIFICATION	NEW ORLEANS			SAN ANTONIO			COLUMBUS			HARTFORD			MEMPHIS			DENVER			SAN JOSE			
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	
<u>Retail Type</u>																						
Department Store	25.0	75.0		60.0	40.0		100.0				100.0		28.6	57.1	14.3	85.7	14.3		33.3	16.7	50.0	
Discount House			100.0			100.0	100.0			50.0		50.0			100.0	66.7		33.3			100.0	
Drug Store	23.8		76.2	45.5		54.5	28.5			71.5	42.9		57.1	60.9	8.7	30.4	45.9	8.1	45.9	42.9	5.7	51.4
Grocery	31.5	15.1	53.4	29.6	33.3	38.1	33.3	31.3	35.4	6.0	40.0	24.0	35.7	28.6	35.9	40.4	15.4	44.2	21.6	5.4	73.0	
<u>Location</u>																						
Central Business																						
District	22.2	44.4	33.3	40.0	40.0	20.0	80.0		20.0	33.3	66.7		37.5	37.5	12.5	22.2	11.1	66.7	33.3		66.7	
Neighborhood	31.4	11.8	57.1	37.9	20.7	41.4	35.8	11.9	49.3	57.7	7.7	34.6	41.9	2.3	35.1	45.2	19.0	33.3	33.3	8.3	58.3	
Suburbs	28.6	9.5	61.9	20.0	20.0	60.0	26.9	30.8	42.3	16.7	36.7	46.7	25.0	25.0	50.0	46.9	6.1	46.9	30.0	3.3	63.3	
<u>Annual Sales Volume</u>																						
Under \$50,000	40.6	12.5	46.9	50.0	16.7	33.3	22.2	33.3	44.4	66.7		33.3	14.3	14.3	71.4	27.3		72.7	50.0		50.0	
\$50,000-99,999	37.0	18.5	44.4	40.0	20.0	40.0	28.6	14.3	50.0	50.0	25.0	25.0	64.3		35.7	41.2	5.9	52.9	44.4	22.2	33.3	
\$100,000-499,999	25.0	8.3	66.7	35.3	29.4	35.3	38.9	5.6	53.7	32.4	18.9	48.6	43.6	23.1	30.8	40.7	16.7	40.7	34.5	1.8	63.6	
\$500,000-999,999		12.5	87.5			100.0	11.1	66.7	22.2		50.0	50.0	50.0	37.5	12.5	66.7	16.7	16.7	20.0	20.0	60.0	
Over \$1,000,000	12.5	25.0	62.5	28.6	28.6	42.9	58.3	16.7	25.0	36.4	54.5	9.1	21.1	47.4	31.6	66.7	8.3	25.0	9.1		81.8	
Not in Business																						
Past Year						100.0					100.0				100.0							
No Response			100.0	100.0									100.0							100.0		
<u>Stores Open and Closed</u>																						
Stores Open	23.8		76.2	35.0		65.0	24.6	1.8	71.9	32.1	3.6	64.3	36.8	2.6	60.5	42.0	1.4	56.5	25.8		74.2	
Stores Closed	40.5	37.8	21.6	36.8	47.4	15.8	51.2	36.6	9.8	14.7	79.4	2.9	42.3	40.4	15.4	48.4	35.5	12.9	52.9	29.4	11.8	

(1) Neutral; (2) Against; (3) For

\* Percentages may not total 100 because of "no response" answers.

Source: Primary

## EXHIBIT 13

RETAILER OPINIONS ON CONSUMER ATTITUDES TOWARD SUNDAY OPENINGS  
FOR SELECTED METROPOLITAN AREAS BY TYPE, LOCATION, SIZE, AND WHETHER  
OPEN OR CLOSED ON SUNDAY (IN PERCENT)\*

CLASSIFICATION	NEW ORLEANS			SAN ANTONIO			COLUMBUS			HARTFORD			MEMPHIS			DENVER			SAN JOSE		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
<u>Retail Type</u>																					
Department Store	25.0	75.0		60.0	40.0		100.0			100.0			28.6	57.1	14.3	85.7	14.3		33.3	16.7	50.0
Discount House			100.0			100.0	100.0			50.0		50.0			100.0	66.7		33.3			100.0
Drug Store	23.8		76.2	45.5		54.5	28.5		71.5	42.9		57.1	60.9	8.7	30.4	45.9	8.1	45.9	42.9	5.7	51.4
Grocery	31.5	15.1	53.4	29.6	33.3	38.1	33.3	31.3	35.4	6.0	40.0	24.0	35.7	28.6	35.9	40.4	15.4	44.2	21.6	5.4	73.0
<u>Location</u>																					
Central Business District	22.2	44.4	33.3	40.0	40.0	20.0	80.0		20.0	33.3	66.7		37.5	37.5	12.5	22.2	11.1	66.7	33.3		66.7
Neighborhood	31.4	11.8	57.1	37.9	20.7	41.4	35.8	11.9	49.3	57.7	7.7	34.6	41.9	2.3	35.1	45.2	19.0	33.3	33.3	8.3	58.3
Suburbs	28.6	9.5	61.9	20.0	20.0	60.0	26.9	30.8	42.3	16.7	36.7	46.7	25.0	25.0	50.0	46.9	6.1	46.9	30.0	3.3	63.3
<u>Annual Sales Volume</u>																					
Under \$50,000	40.6	12.5	46.9	50.0	16.7	33.3	22.2	33.3	44.4	66.7		33.3	14.3	14.3	71.4	27.3		72.7	50.0		50.0
\$50,000-99,999	37.0	18.5	44.4	40.0	20.0	40.0	28.6	14.3	50.0	50.0	25.0	25.0	64.3		35.7	41.2	5.9	52.9	44.4	22.2	33.3
\$100,000-499,999	25.0	8.3	66.7	35.3	29.4	35.3	38.9	5.6	53.7	32.4	18.9	48.6	43.6	23.1	30.8	40.7	16.7	40.7	34.5	1.8	63.6
\$500,000-999,999		12.5	87.5			100.0	11.1	66.7	22.2		50.0	50.0	50.0	37.5	12.5	66.7	16.7	16.7	20.0	20.0	60.0
Over \$1,000,000	12.5	25.0	62.5	28.6	28.6	42.9	58.3	16.7	25.0	36.4	54.5	9.1	21.1	47.4	31.6	66.7	8.3	25.0	9.1		81.8
Not in Business																					
Past Year						100.0					100.0				100.0						
No Response			100.0	100.0									100.0							100.0	
<u>Stores Open and Closed</u>																					
Stores Open	23.8		76.2	35.0		65.0	24.6	1.8	71.9	32.1	3.6	64.3	36.8	2.6	60.5	42.0	1.4	56.5	25.8		74.2
Stores Closed	40.5	37.8	21.6	36.8	47.4	15.8	51.2	36.6	9.8	14.7	79.4	2.9	42.3	40.4	15.4	48.4	35.5	12.9	52.9	29.4	11.8

(1) Neutral; (2) Against; (3) For

\* Percentages may not total 100 because of "no response" answers.

Source: Primary

EXHIBIT 14

RETAILER OPINIONS OF AVERAGE SALE PER CUSTOMER ON  
SUNDAY FOR AREAS WITH AND WITHOUT SUNDAY  
LEGISLATION BY TYPE STORE AND LOCATION (IN PERCENT)

TYPE STORE AND LOCATION	SAME		HIGHER		LOWER		NO RESPONSE	
	With	Without	With	Without	With	Without	With	Without
<u>Department Store</u>								
Central Business District								
Neighborhood		100.0						
Suburbs		60.0		40.0				
<u>Discount House</u>								
Central Business District								
Neighborhood			100.0					
Suburbs		33.3	100.0			66.7		
<u>Drug Store</u>								
Central Business District		25.0	16.7		83.3	75.0		
Neighborhood	41.1	25.0	11.0		46.6	75.0	1.3	
Suburbs	50.0	37.5	16.7	4.2	33.3	58.3		
<u>Grocery</u>								
Central Business District			100.0	50.0		50.0		
Neighborhood	35.8	22.7	38.2	52.3	26.0	22.7		2.3
Suburbs		27.3	45.0	72.7				

Source: Primary

EXHIBIT 15

RETAILER OPINIONS OF AVERAGE SALE PER CUSTOMER ON SUNDAY  
FOR AREAS WITH AND WITHOUT SUNDAY LEGISLATION BY  
TYPE STORE AND ANNUAL SALES VOLUME (IN PERCENT)

TYPE STORE AND ANNUAL SALES VOLUME	SAME		HIGHER		LOWER		NO RESPONSE	
	With	Without	With	Without	With	Without	With	Without
<u>Department Store</u>								
\$100,000-499,999		100.0						
\$500,000-999,999				100.0				
Over \$1,000,000		100.0						
<u>Discount House</u>								
Over \$1,000,000		50.0	100.0			50.0		
<u>Drug Store</u>								
\$50,000-99,999	43.5	25.0	8.7		47.8	75.0		
\$100,000-499,999	36.2	30.2	11.6	2.3	50.7	67.4	1.4	
\$500,000-999,999		100.0	33.3		66.6			
Over \$1,000,000	50.0		50.0					
<u>Grocery</u>								
Under \$50,000	35.3	20.0	26.5	70.0	38.2	10.0		
\$50,000-99,999	46.2	12.5	46.2	62.5	7.6	25.0		
\$100,000-499,999	37.1	17.9	42.9	64.1	20.0	15.4		2.6
\$500,000-999,999	16.7	40.0	66.6	40.0	16.7	20.0		
Over \$1,000,000			66.7		33.3			
<u>Not in Business</u>								
Past Year	33.3		66.7					
No Response			100.0					

Source: Primary

## EXHIBIT 16

RETAILER OPINIONS OF AVERAGE SALE PER CUSTOMER ON  
SUNDAY FOR SELECTED METROPOLITAN AREAS BY TYPE STORE,  
LOCATION, SIZE, AND STORES OPEN ON SUNDAY (IN PERCENT)\*

CLASSIFICATION	HARTFORD			COLUMBUS			NEW ORLEANS			MEMPHIS			SAN ANTONIO			DENVER			SAN JOSE		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
<u>Retail Type</u>																					
Department Store																		100.0	100.0		
Discount House						100.0							50.0	50.0	33.3	66.7			66.7	33.3	
Drug Store	33.3	62.5	4.2	33.3	36.7	30.0	47.1	47.1	5.8	38.8	55.6	5.6	42.9	57.1	34.5	62.1	3.4		25.9	74.1	
Grocery	75.0		25.0	29.2	29.2	41.6	34.8	28.2	37.0	28.6	14.3	57.1	36.4	26.2	36.4	17.2	17.2	65.6	31.3	15.6	53.1
<u>Location</u>																					
Central Business District		66.7	33.3			100.0		25.0	75.0		50.0	50.0				40.0	40.0	20.0	50.0	50.0	
Neighborhood	50.0	50.0		35.9	28.2	35.9	40.8	34.7	24.5	36.4	33.3	30.3	29.4	40.2	29.4	25.9	48.2	25.9	23.7	42.1	34.2
Suburbs	38.5	53.8	7.7	22.7	43.8	33.5	40.0	30.0	30.0	25.0	25.0	50.0	66.7	33.3		21.7	29.7	48.6	50.0	33.3	16.7
<u>Annual Sales Volume</u>																					
Under \$50,000	100.0			40.0	20.0	40.0	33.3	47.6	19.1	20.0	20.0	60.0	50.0		50.0	20.0	10.0	70.0			
\$50,000-99,999	33.3	66.7		37.5	25.0	37.5	53.3	20.0	26.7	50.0	33.3	16.7	33.3	33.3	33.3	23.2	38.4	38.4	16.7	83.3	
\$100,000-499,999	34.8	56.5	8.7	32.4	35.2	32.4	42.1	31.6	26.3	36.4	40.9	22.7	44.4	55.6		22.3	44.4	33.3	29.8	38.3	31.9
\$500,000-999,999	100.0				33.3	66.7	20.0	40.0	40.0		50.0	50.0		100.0		25.0	25.0	50.0	50.0	50.0	
Over \$1,000,000				16.7	33.3	50.0			100.0			100.0		33.3	66.7	50.0	50.0		66.7	11.1	22.2
Not in Business																					
Past Year									100.0	50.0		50.0	50.0		50.0						
No Response																					
Open Sunday	39.3	53.6	7.1	29.8	31.6	36.8	38.1	33.3	28.6	34.2	34.2	31.6	35.0	40.0	25.0	24.6	37.7	37.7	34.8	39.4	25.8

(1) Same; (2) Lower; (3) Higher

\* Percentages may not total 100 because of "no response" answers.

Source: Primary

## EXHIBIT 17

RETAILER OPINION OF MORE FAMILY PURCHASES ON SUNDAY  
 THAN OTHER WEEKDAYS FOR SELECTED METROPOLITAN AREAS BY  
 TYPE, LOCATION, SIZE AND STORES OPEN ON SUNDAY (IN PERCENT)\*

CLASSIFICATION	HARTFORD		COLUMBUS		NEW ORLEANS		MEMPHIS		SAN ANTONIO		DENVER		SAN JOSE	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
<u>Retail Type</u>														
Department Store											100.0		50.0	50.0
Discount House			100.0						100.0		33.3	66.7		
Drug Store	12.5	87.5	66.7	33.3	35.3	64.7	22.2	77.8	14.3	85.7	27.6	72.4	37.0	63.0
Grocery	25.0	75.0	50.0	50.0	37.8	62.2	38.1	61.9	50.0	50.0	60.0	40.0	62.5	31.5
<u>Location</u>														
Central Business District	33.3	66.7	100.0		50.0	50.0	50.0	50.0			40.0	60.0	25.0	75.0
Neighborhood	8.3	91.7	59.0	41.0	37.5	62.5	33.6	66.4	31.3	68.7	33.3	66.7	52.6	47.4
Suburbs	15.4	84.6	61.9	38.1	30.0	70.0	25.0	75.0	100.0		56.8	43.2	59.3	41.7
<u>Annual Sales Volume</u>														
Under \$50,000		100.0	66.7	33.3	25.0	75.0	40.0	60.0	50.0		40.0	60.0		
\$50,000-99,999		100.0	62.5	37.5	33.3	66.7	33.3	66.7		100.0	38.5	61.5		100.0
\$100,000-499,999	17.4	82.6	4.8	38.2	36.8	63.2	31.8	68.2	22.2	77.8	47.2	52.8	57.4	42.6
\$500,000-999,999		100.0	66.7	33.3	61.7	33.3		100.0		100.0	100.0		50.0	50.0
Over \$1,000,000			50.0	50.0	100.0			100.0	100.0		33.3	66.7	66.7	33.3
Not in Business														
Past Year					1.0		50.0	50.0	100.0					
No Response														
<u>Stores Open</u>														
Sunday	14.3	85.7	59.6	38.6	36.5	61.9	31.6	68.4	40.0	55.0	46.4	53.6	53.0	47.0

\*Percentages may not total 100 because of "no response" answers.

Source: Primary

## EXHIBIT 18

PERCENT OF TOTAL WEEKLY SALES FOR 1960, 1962 AND 1964  
 UNDER 5 PERCENT CONTRIBUTED BY SUNDAY TELEPHONE SALES BY  
 RETAILERS CLOSED ON SUNDAY FOR THE AGGREGATE WITH AND WITHOUT  
 LEGISLATION AND FOR SELECTED METROPOLITAN AREAS

CLASSIFICATION	1960	1962	1964
<u>Retailers</u>			
Closed (aggregate)	5.2	5.2	6.1
Closed (with laws)	4.9	4.9	4.9
Closed (without laws)	6.3	6.3	10.4
<u>Metropolitan Areas</u>			
Columbus	1.0	1.0	1.0
Denver	3.2	3.2	6.5
Hartford	5.9	5.9	5.9
Memphis	1.9	1.9	1.9
New Orleans	10.8	10.8	10.8
San Antonio	5.3	5.3	5.3
San Jose	11.8	11.8	17.6

Source: Primary



## EXHIBIT 19

RETAILER KNOWLEDGE OF SUNDAY CLOSING  
LAWS FOR SELECTED METROPOLITAN AREAS (IN PERCENT)

CLASSIFICATION	YES	NO	NO RESPONSE
<u>Metropolitan Areas</u>			
Columbus	83.7	16.3	
Hartford	66.1	33.9	
Memphis	70.0	28.9	1.1
New Orleans	62.0	37.0	1.0
San Antonio	53.8	33.3	12.8

Source: Primary

## EXHIBIT 20

RETAILER ATTITUDES TOWARD EFFECTS OF SUNDAY LEGISLATION  
ON SALES FOR SELECTED METROPOLITAN AREAS (IN PERCENT)

CLASSIFICATION	YES	NO	DON'T KNOW
<u>Metropolitan Areas</u>			
Columbus	12.2	79.3	8.5
Hartford	17.1	82.9	
Memphis	31.7	52.4	15.9
New Orleans	27.4	72.6	
San Antonio	26.9	65.4	7.8

Source: Primary

## EXHIBIT 21

RETAILER ATTITUDES TOWARD COMPETITORS' COMPLIANCE WITH  
 SUNDAY LEGISLATION BY RETAILERS IN AREAS WITH SUNDAY LAWS  
 OPEN AND CLOSED ON SUNDAY AND FOR THE SELECTED METROPOLITAN AREAS  
 (IN PERCENT)

CLASSIFICATION	YES	NO	DON'T KNOW
<u>Retailers</u>			
With laws	22.3	64.3	13.4
Stores open	19.8	65.9	14.3
Stores closed	19.7	63.2	17.1
<u>Metropolitan Areas</u>			
Columbus	12.2	79.3	8.5
Hartford	43.9	51.2	4.9
Memphis	20.8	50.0	29.2
New Orleans	27.4	53.2	19.4
San Antonio	28.6	57.1	14.3

Source: Primary

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## VITA

Fred R. Endsley, son of Matt and Bessie Endsley, was born on August 17, 1930, in Moline, Illinois. He attended public schools in Marshalltown, Iowa and was graduated from Marshalltown High School in May, 1948.

From 1948 to 1949 he attended the University of Missouri, Columbia, Missouri. In 1949, he transferred to Grinnell College in Grinnell, Iowa and received the Bachelor of Arts degree in June, 1952.

From 1952 to 1954 he served in the United States Air Force. Between the years 1954 and 1957 he was employed by the Reliable Implement Store, Marshalltown, Iowa.

He began work on his Master's degree at Indiana University in Bloomington, Indiana in the summer of 1957. He was awarded the Master of Business Administration degree in June, 1958 by Indiana University.

In September, 1958, he became Assistant Professor of Business at the University of Georgia. In September, 1960 he was accepted as a full-time graduate student and served as a graduate assistant at Louisiana State University. In 1962 he was appointed Instructor of Management and Marketing at Louisiana State University. He was Assistant Professor of Business at Eastern Illinois University, Charleston, Illinois in 1963 before returning to Louisiana State University as Instructor in Marketing in 1964. From 1965 to the present, he serves as Coordinator of Correspondence Study and Assistant Professor of Marketing at Louisiana State University.

In 1953 Mr. Endsley married Peggy Ann Dupre of Opelousas, Louisiana. He is presently a candidate for the degree of Doctor of Philosophy.

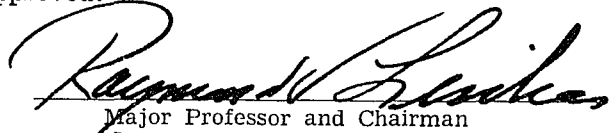
## EXAMINATION AND THESIS REPORT

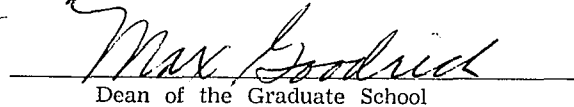
Candidate: Fred R. Endsley

Major Field: Business Administration

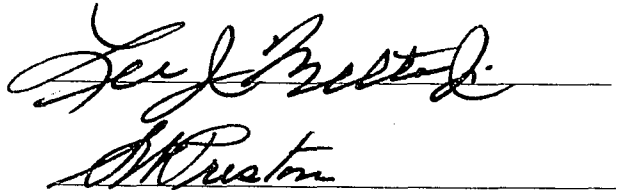
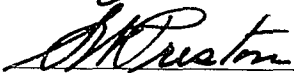
Title of Thesis: The Current Status of Sunday Closing Laws in the  
United States and Their Marketing Implications in  
Selected Metropolitan Areas

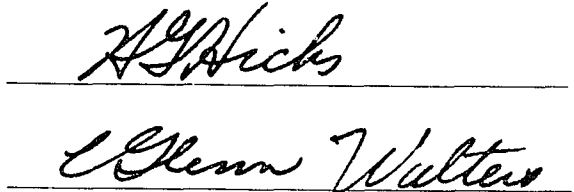
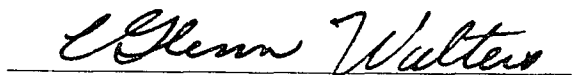
Approved:

  
Major Professor and Chairman

  
Dean of the Graduate School

### EXAMINING COMMITTEE:

Date of Examination:

January 12, 1967